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of America

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No. 170

## House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. DRIEHAUS).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 17, 2009.

I hereby appoint the Honorable STEVE DRIEHAUS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### HOUSEHOLD FOOD SECURITY IN THE UNITED STATES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, yesterday the U.S. Department of Agriculture released the annual Household Food Security in the United States report for 2008. The findings of this report are nothing short of alarming and frightening. This report found the highest level of food insecurity since the study began in 1995. While just over 85 percent of U.S. households were food secure in 2008, the bad news, the fright-

ening news, is that 14.6 percent, 17 million households, were food insecure in 2008. This means that at some point during 2008, these households "had difficulty providing enough food for all their members due to a lack of resources."

According to the USDA, over 49 million people lived in those 17 million households. In other words, Mr. Speaker, according to this report, 49 million Americans went hungry in 2008. We should be ashamed of ourselves. In the richest, most prosperous nation in the world, a country where we have the means to end hunger, a country where we have the food readily available, we continue to allow 49 million people to be hungry in this country. And if that weren't bad enough, food insecurity is likely to get worse, not better, next year.

Mr. Speaker, this report also found that 17 million children, more than one in five, went without food at some point during the year. That's an increase of 5 million children over the previous year. Even worse, the number of children living in very low food insecure households—the hungriest of the hungry—rose from 323,000 in 2007 to 506,000 in 2008. That means that almost 2 million children are among the hungriest of the hungry in America.

Race and gender are also factors. About 37 percent of single mothers struggled for food in 2008. And more disturbing, more than one in seven said that someone in their household had been hungry. The report found that African Americans and Hispanics were more than twice as likely as whites to report food insecurity at home.

Mr. Speaker, we can do better. We must do better. I want to thank President Obama and Secretary Vilsack for their dedication to combating hunger in America. Secretary Vilsack personally released this report yesterday, and President Obama released a statement, two actions that the previous adminis-

tration declined to make. I don't say this to place blame, but rather to say that admitting there is a problem is the first step towards addressing that problem. President Obama has committed his administration to ending child hunger by 2015. That's something we can and should do. Continuing to raise awareness of this issue is critical, no matter how bad the statistics may be.

Mr. Speaker, we are fortunate to have in place a safety net system that prevents more people from going without food. Undoubtedly, even more Americans would go hungry if it weren't for SNAP—formerly known as food stamps—WIC, school and summer meals, and the other Federal anti-hunger programs.

Later this week, I will be introducing legislation that will expand these programs to better combat hunger in the United States. The End Childhood Hunger by 2015 Act will not only expand the purchasing power of SNAP, but it will increase the number of people who are eligible for these Federal anti-hunger programs. For example, under this bill, every child who goes to school, regardless of income, will receive a quality, nutritious breakfast and lunch. We know that children learn better and develop properly when they eat nutritious meals. Unfortunately, many children don't have access to nutritious meals either at home or at school. We provide textbooks for all children. Why shouldn't we provide at least two nutritious meals too?

Now is the time for us to refocus our energy on ending hunger once and for all, and it will require Presidential leadership. I introduced legislation calling for a White House Conference on Food and Nutrition. I will be working with Speaker PELOSI, Chairman PETERSON and Chairman MILLER to pass this important legislation, and I encourage my colleagues to cosponsor H.R. 2297.

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Mr. Speaker, we may not be able to end all war and disease in our lifetimes, but we can end hunger if we muster the political will to do so. This report should be a rallying point report for Congress and the administration. While this Congress focuses on the Nation's economic recovery and job creation, we must not forget about those who are going without food. Let's commit ourselves once and for all to ending hunger as we know it in America.

I would like to insert into the RECORD the statement by President Obama and news articles from The New York Times and Washington Post on the release of this report.

THE WHITE HOUSE,  
OFFICE OF THE PRESS SECRETARY,  
Washington, DC, November 16, 2009.

STATEMENT BY THE PRESIDENT ON THE RELEASE OF THE ANNUAL HOUSEHOLD FOOD SECURITY REPORT

As American families prepare to gather for Thanksgiving, we received an unsettling report from the U.S. Department of Agriculture that found that hunger rose significantly last year. This trend was already painfully clear in many communities across our nation, where food stamp applications are surging and food pantry shelves are emptying.

It is particularly troubling that there were more than 500,000 families in which a child experienced hunger multiple times over the course of the year. Our children's ability to grow, learn, and meet their full potential—and therefore our future competitiveness as a nation—depends on regular access to healthy meals.

My Administration is committed to reversing the trend of rising hunger. The first task is to restore job growth, which will help relieve the economic pressures that make it difficult for parents to put a square meal on the table each day. But we are also taking targeted steps to prevent Americans from experiencing hunger. Earlier this year, we extended help to those hit hardest by this economic downturn by boosting SNAP benefits. And Secretary Vilsack is working hard to make sure eligible families are able to access those benefits as well as the School Lunch and Breakfast Program. In addition, a bill I signed into law last month invests \$85 million in new strategies to prevent children from experiencing hunger in the summer.

Hunger is a problem that we can solve together, and I look forward to working with Congress to pass a strong child nutrition bill that will help children get the healthy meals they need to grow and succeed—and help keep America competitive in the decades to come.

The full USDA Household Food Security report can be viewed here: [www.ers.usda.gov/features/householdfoodsecurity/](http://www.ers.usda.gov/features/householdfoodsecurity/)

[From the New York Times, Nov. 17, 2009]

HUNGER IN U.S. AT A 14-YEAR HIGH

(By Jason DeParle)

WASHINGTON—The number of Americans who lived in households that lacked consistent access to adequate food soared last year, to 49 million, the highest since the government began tracking what it calls "food insecurity" 14 years ago, the Department of Agriculture reported Monday.

The increase, of 13 million Americans, was much larger than even the most pessimistic observers of hunger trends had expected and cast an alarming light on the daily hardships caused by the recession's punishing effect on jobs and wages.

About a third of these struggling households had what the researchers called "very low food security," meaning lack of money forced members to skip meals, cut portions or otherwise forgo food at some point in the year.

The other two-thirds typically had enough to eat, but only by eating cheaper or less varied foods, relying on government aid like food stamps, or visiting food pantries and soup kitchens.

"These numbers are a wake-up call for the country," said Agriculture Secretary Tom Vilsack.

One figure that drew officials' attention was the number of households, 506,000, in which children faced "very low food security": up from 323,000 the previous year. President Obama, who has pledged to end childhood hunger by 2015, released a statement while traveling in Asia that called the finding "particularly troubling."

The ungainly phrase "food insecurity" stems from years of political and academic wrangling over how to measure adequate access to food. In the 1980s, when officials of the Reagan administration denied there was hunger in the United States, the Food Research and Action Center, a Washington advocacy group, began a survey that concluded otherwise. Over time, Congress had the Agriculture Department oversee a similar survey, which the Census Bureau administers.

Though researchers at the Agriculture Department do not use the word "hunger," Mr. Obama did. "Hunger rose significantly last year," he said.

Analysts said the main reason for the growth was the rise in the unemployment rate, to 7.2 percent at the end of 2008 from 4.9 percent a year earlier. And since it now stands at 10.2 percent, the survey might in fact understate the number of Americans struggling to get adequate food.

Rising food prices, too, might have played a role.

The food stamp rolls have expanded to record levels, with 36 million Americans now collecting aid, an increase of nearly 40 percent from two years ago. And the American Recovery and Reinvestment Act, passed last winter, raised the average monthly food stamp benefit per person by about 17 percent, to \$133. Many states have made it easier for those eligible to apply, but rising applications and staffing cuts have also brought long delays.

Problems gaining access to food were highest in households with children headed by single mothers. About 37 percent of them reported some form of food insecurity compared with 14 percent of married households with children. About 29 percent of Hispanic households reported food insecurity, compared with 27 percent of black households and 12 percent of white households. Serious problems were most prevalent in the South, followed equally by the West and Midwest.

Some conservatives have attacked the survey's methodology, saying it is hard to define what it measures. The 18-item questionnaire asks about skipped meals and hunger pangs, but also whether people had worries about getting food. It ranks the severity of their condition by the number of answers that indicate a problem.

"Very few of these people are hungry," said Robert Rector, an analyst at the conservative Heritage Foundation. "When they lose jobs, they constrain the kind of food they buy. That is regrettable, but it's a far cry from a hunger crisis."

The report measures the number of households that experienced problems at any point in the year. Only a "small fraction" were facing the problem at a given moment. Among those with "very low food security," for instance, most experienced the condition

for several days in each of seven or eight months.

James Weill, the director of the food center that pioneered the report, called it a careful look at an underappreciated condition. "Many people are outright hungry, skipping meals," he said. "Others say they have enough to eat but only because they're going to food pantries or using food stamps. We describe it as 'households struggling with hunger.'"

[From The Washington Post, Nov. 17, 2009]  
AMERICA'S ECONOMIC PAIN BRINGS HUNGER  
PANGS

(By Amy Goldstein)

The nation's economic crisis has catapulted the number of Americans who lack enough food to the highest level since the government has been keeping track, according to a new federal report, which shows that nearly 50 million people—including almost one child in four—struggled last year to get enough to eat.

At a time when rising poverty, widespread unemployment and other effects of the recession have been well documented, the report released Monday by the U.S. Department of Agriculture provides the government's first detailed portrait of the toll that the faltering economy has taken on Americans' access to food.

The magnitude of the increase in food shortages—and, in some cases, outright hunger—identified in the report startled even the nation's leading anti-poverty advocates, who have grown accustomed to longer lines lately at food banks and soup kitchens. The findings also intensify pressure on the White House to fulfill a pledge to stamp out childhood hunger made by President Obama, who called the report "unsettling."

The data show that dependable access to adequate food has especially deteriorated among families with children. In 2008, nearly 17 million children, or 22.5 percent, lived in households in which food at times was scarce—4 million children more than the year before. And the number of youngsters who sometimes were outright hungry rose from nearly 700,000 to almost 1.1 million.

Among Americans of all ages, more than 16 percent—or 49 million people—sometimes ran short of nutritious food, compared with about 12 percent the year before. The deterioration in access to food during 2008 among both children and adults far eclipses that of any other single year in the report's history.

Around the Washington area, the data show, the extent of food shortages varies significantly. In the past three years, an average of 12.4 percent of households in the District had at least some problems getting enough food, slightly worse than the national average. In Maryland, the average was 9.6 percent, and in Virginia it was 8.6 percent.

The local and national findings are from a snapshot of food in the United States that the Agriculture Department has issued every year since 1995, based on Census Bureau surveys. It documents Americans who lack a dependable supply of adequate food—people living with some amount of "food insecurity" in the lexicon of experts—and those whose food shortages are so severe that they are hungry. The new report is based on a survey conducted in December.

Several independent advocates and policy experts on hunger said that they had been bracing for the latest report to show deepening shortages, but that they were nevertheless astonished by how much the problem has worsened. "This is unthinkable. It's like we are living in a Third World country," said Vicki Escarra, president of Feeding America, the largest organization representing food banks and other emergency food sources.

"It's frankly just deeply upsetting," said James D. Weill, president of the Washington-based Food and Action Center. As the economy eroded, Weill said, "you had more and more people getting pushed closer to the cliffs edge. Then this huge storm came along and pushed them over."

Obama, who pledged during last year's presidential campaign to eliminate hunger among children by 2015, reiterated that goal on Monday. "My Administration is committed to reversing the trend of rising hunger," the president said in a statement. The solution begins with job creation, Obama said. And he ticked off steps that Congress and the administration have taken, or are planning, including increases in food stamp benefits and \$85 million Congress just freed up through an appropriations bill to experiment with feeding more children during the summer, when subsidized school breakfasts and lunches are unavailable.

In a briefing for reporters, Agriculture Secretary Tom Vilsack said, "These numbers are a wake-up call . . . for us to get very serious about food security and hunger, about nutrition and food safety in this country."

Vilsack attributed the marked worsening in Americans' access to food primarily to the rise in unemployment, which now exceeds 10 percent, and in people who are underemployed. He acknowledged that "there could be additional increases" in the 2009 figures, due out a year from now, although he said it is not yet clear how much the problem might be eased by the measures the administration and Congress have taken this year to stimulate the economy.

The report's main author at USDA, Mark Nord, noted that other recent research by the agency has found that most families in which food is scarce contain at least one adult with a full-time job, suggesting that the problem lies at least partly in wages, not entirely an absence of work.

The report suggests that federal food assistance programs are only partly fulfilling their purpose, although Vilsack said that shortages would be much worse without them. Just more than half of the people surveyed who reported they had food shortages said that they had, in the previous month, participated in one of the government's largest anti-hunger and nutrition programs: food stamps, subsidized school lunches or WIC, the nutrition program for women with babies or young children.

Last year, people in 4.8 million households used private food pantries, compared with 3.9 million in 2007, while people in about 625,000 households resorted to soup kitchens, nearly 90,000 more than the year before.

Food shortages, the report shows, are particularly pronounced among women raising children alone. Last year, more than one in three single mothers reported that they struggled for food, and more than one in seven said that someone in their home had been hungry—far eclipsing the food problem in any other kind of household. The report also found that people who are black or Hispanic were more than twice as likely as whites to report that food in their home was scarce.

In the survey used to measure food shortages, people were considered to have food insecurity if they answered "yes" to several of a series of questions. Among the questions were whether, in the past year, their food sometimes ran out before they had money to buy more, whether they could not afford to eat nutritionally balanced meals, and whether adults in the family sometimes cut the size of their meals—or skipped them—because they lacked money for food. The report defined the degree of their food insecurity by the number of the questions to which they answered yes.

## ANIMAL WELFARE IS IMPORTANT FOR THE ENTIRE NATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, it seems the issues that face Congress fall into two categories: the issues that are so great, so expensive, so contentious, so complex that they seem almost beyond our ability to influence—war and peace, the economy, climate change and, more recently, health care—too big and too controversial for effective, quick, meaningful congressional action. The other category seems to be the simple and the mundane, almost too routine—housekeeping, like renaming a post office.

The truth is, we pursue both because they're an important part of our job and are important to the American public. We're not going to give up on the big issues of the day no matter how complex, controversial and frustrating because, after all, they are the big issues of the day. That's why we're here when even modest impact can have a huge ripple effect on lives around the world, the safety of Americans, protecting the public Treasury and our soldiers. A post office may seem mundane and trivial to some, but to the family of that fallen hero and community, it's very important indeed, as it is to all Americans who honor and respect that sacrifice. There is a reason for these items, low cost but high impact. Then there are vast numbers of issues that are sort of in between. Animal welfare is often put in that category, seemingly at times unimportant or trivial, tangential—except, of course, when it has a devastating impact on human health, safety and environmental balance.

I was recently touring the Everglades with my colleague DEBBIE WASSERMAN SCHULTZ. Part of the briefing materials dealt with the problem of up to 100,000 pythons that started out as pets or exotic curiosities and ended up in that environment. Pets, farm animals, even whole alligators have been attacked and ingested. Earlier this summer, an infant in its crib was strangled by a python. Too expensive? Secondary? What's the price of that baby's life? And how much are we going to try to spend to reclaim the Everglade habitat from tens of thousands of pythons that have been described as the most lethal killing machine ever?

Earlier this year, I had legislation that overwhelmingly passed this House to ban the interstate transport of primates. It had been derided by one of my colleagues as a "monkey bite bill," ironically at just the same time a woman in Connecticut had her face ripped off by a neighbor's pet chimpanzee. I don't use that term metaphorically. Her face was literally ripped off. Indeed, Mr. Speaker, the woman who was so horribly disfigured had the courage to take her story and her mangled face to the public on The

Oprah Winfrey Show this week. I simply cannot bring myself to display the picture on the floor of the House, but millions of viewers saw the tragic evidence for themselves.

It's too late for this woman and her family, but it's not too late for the other body to act so that we can make events like this less likely. It's a symbol of the dysfunctionality of the other body that one Member—ironically a doctor, of all people—has put a hold on this legislation, refusing to allow the Senate to even consider it, and inexplicably, the other body goes along. The reason, we're told, is cost. The Senator is concerned about cost. Well, what is the cost to a woman whose eyes were torn out of her head so she couldn't see her daughter on prom night? What is the cost of the unbelievable reconstructive surgery, taking flesh from her leg to try to replace part of the missing face?

Mr. Speaker, animal welfare is about much more than concern for God's creatures. It's about human welfare. It's about environmental balance. And yes, to the good doctor from Oklahoma, it's about saving money.

The millions of Americans who watched The Oprah Winfrey Show saw the tragic case and its consequences. They should ask themselves why their Senators are not speaking out, why the other body is not passing this simple bill that can have such significant consequences. It may not change the world, but if it prevents just a few cases like this, it will be another example of simple legislation that we cannot afford not to pass.

## SUPPORT FOR THE AFFORDABLE HEALTH CARE FOR AMERICA ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. I rise today to commend those who have endeavored to improve the provision of quality, affordable health care for all Americans and to refute those who use scare tactics to derail essential health insurance reform.

During the more than 12 hours of debate on the House floor on November 7, we heard a number of speeches from some forecasting various doom and gloom scenarios. Some of the material focused more on scaring the American public than on presenting actual facts. We heard preposterous stories of death panels and prisons, denial of care and dramatic cuts in services, but the purveyors of fear ignored the hundreds of groups across the Nation that saw through the scare tactics and who support responsible health insurance reform. Those groups aren't driven by partisan ideology. They're focused on the well-being of their members. I would like to highlight just a few.

The scare tactic said this bill will harm seniors. In actuality, the Affordable Health Care for America Act will help seniors by closing the Medicare

part D prescription drug loophole that currently causes many seniors to pay thousands of dollars out of pocket, and it will help keep Medicare solvent and able to continue paying benefits well into the future. Without reform, Medicare part A will be insolvent by 2017. If we do nothing, Medicare hospital reimbursements will be cut by 2017. Without reform, premiums for Medicare part D doctor reimbursements are projected to increase an average of 8.5 percent every year through 2013. That's why the National Committee to Preserve Social Security and Medicare supports this bill. The Alliance for Retired Americans and the Center for Medicare Advocacy both support this bill. The National Council on Aging and the Medicare Rights Center both support this bill, as does the AARP.

The scare tactic said this bill would harm the ability of caregivers to provide lifesaving care. In actuality, doctors and medical providers know that this bill will preserve their ability to properly treat their patients and be fairly compensated. That's why the American Academy of Family Physicians and the Federation of American Hospitals support this bill. The American Academy of Physicians Assistants and the American College of Surgeons support this bill. The American Nurses Association and the American College of Physicians support this bill. And the American Medical Association supports this bill.

The scare tactic says this bill will deny care to those with life-threatening conditions, like cancer. In actuality, the Affordable Health Care for America Act will safeguard those with previous existing medical conditions and those in need of lifesaving procedures. That's why the American Heart Association and the American Stroke Association support this bill. The American Cancer Society's Cancer Action Network and the American Diabetes Association both support this bill. The Consortium for Citizens With Disabilities and the National Alliance on Mental Illness both support this bill. The National Breast Cancer Coalition and the Depression and Bipolar Support Alliance both support this bill, and the Paralyzed Veterans of America support this bill.

The scare tactic said this will wreck the economy. In actuality, this bill will help businesses—especially small businesses—control the spiraling cost of health care in America. Mr. Speaker, the Business Roundtable recently released a report that found that without reform, by 2019, employer-based health insurance payments will rise 166 percent. Without reform, those dramatic cost increases will endanger the economy, leaving employers and employees facing the untenable option of dropping coverage or laying off employees. The Business Roundtable's report found that the legislative reforms in the current health insurance bills could reduce employer costs by \$3,000 per employee by 2019. That's why the Main

Street Alliance supports the Affordable Health Care for America Act. The National Farmers Union supports the bill. The U.S. Women's Chamber of Commerce supports the bill, as does the Small Business Majority.

The scare tactics said that the American people would suffer. In actuality, consumer advocacy groups know that this bill will provide Americans with their choice of affordable health care options. That's why the Consumers Union supports it, the Consumer Health Coalition supports it, and the National Patient Advocate Foundation supports it.

Mr. Speaker, there are hundreds more State and national organizations that refused to fall prey to diversionary scare tactics and supported this ground-breaking legislation on health care. The focus on these individual groups is disparate, but they share a common agenda with the majority of Americans and the majority of this House: Delivery now on the long overdue need for responsible health insurance reform.

□ 1045

#### WE CAN DO BETTER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Too many Americans are out of work. The stimulus certainly preserved some public sector jobs and was of benefit to public education and filled in some other gaps. But the rest of the spending has not been of great impact, particularly the \$340 billion in tax cuts insisted upon by three Republican Senators. And unfortunately, the Obama administration, at the urging of its chief economist, Larry Summers, caved in to those demands for yet more ineffective tax cuts, something that failed miserably during the Bush era to put the economy back on track, and failed again.

If you don't have a job, a tax cut doesn't do you much good and doesn't put you back to work, does it? So it's time for a new approach, considered, unfortunately by some, old school. That would be rebuilding the infrastructure of America.

According to the American Society of Civil Engineers, we have a \$2.2 trillion infrastructure deficit in this country. One hundred sixty thousand bridges on the Federal highway system are either load-limited or functionally obsolete. Our transit agencies across America have an \$80 billion backlog.

Now, the chief economist for the President, Mr. Larry Summers, an academic, doesn't think that infrastructure investment's a good thing. He cut it back in the stimulus last spring. But you know, actually, the 4 percent of that huge bill that went to infrastructure created 25 percent of the jobs. So perhaps Mr. Summers was wrong yet again, like he was when he prevented the Clinton administration from regulat-

ing derivatives, which caused our world collapse of the economy.

But he thinks that infrastructure takes too long to spend out. What he doesn't understand is, when you have a massive backlog, you have projects that can be put on the ground or to work immediately.

I'll use an example that's kind of close to home for the President. The Chicago Transit Authority, they have a \$6.8 billion backlog in their transit system. They testified before my committee that they could spend \$500 million tomorrow, tomorrow, productively, bringing that system back toward a state of good repair. It would still take another \$6.5 billion, \$6.3 billion, and it would take quite some time.

Now, they got out of the stimulus \$240.2 million for their transit backlog. They spent that money productively in 30 days. They bought buses. Guess what? You buy a bus, people who make buses have jobs. People who make parts for the buses have jobs. We have a "Buy America" rule. Those jobs are actually here in the United States of America, and then those people work and they pay taxes and there's revenues to the government; sort of a good old-fashioned way of stimulating the economy and helping the deficit. Unfortunately, the President's chief economist doesn't believe in this. It's time for him to reorient his thinking.

We need a massive investment in our infrastructure. It is so degraded that we have projects ready to go all across the country in transit districts, in States with bridge replacement. These aren't things that require five to 10 years of planning and a long spend-out and those things that those ethereal academic economists think about when they think about transportation infrastructure.

No, when you're in deficit, like the United States of America is today, when you're headed toward a Third World transportation infrastructure, while our competitors like China are spending hundreds of billions of dollars for high speed rail, what are we doing? We're struggling to keep Amtrak running at 19th century speeds. That's kind of pathetic.

We can do better. But it will take a commitment, a push by the White House, a reorientation in the thinking down there, or perhaps ignoring some bad advice they're getting, and have the President champion the creation of jobs and the rebuilding of our infrastructure. And you know, we can do this in a way that actually wouldn't have to add to the deficit.

They've done a great job of bailing out Wall Street. Goldman Sachs is going to be paying bonuses that average \$700,000 this year. Whoa, good times are here again, except not for an America that is suffering very high unemployment. So maybe it's time that Wall Street just gave back a little bit. We could reinstitute a tax we had from 1916 to 1966, a modest transaction tax.

Congress, in the last Great Depression, they had the guts to actually double that tax. Disaster was predicted on Wall Street. Guess what? The economy only went up from there, and tens of thousands, hundreds of thousands of people were put to work building a new America, an infrastructure that needs rebuilding today.

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#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 51 minutes a.m.), the House stood in recess until noon.

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□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

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#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, some days we do not know how to pray. What are the greatest needs of the Nation? Who needs Your attention? To whom should we individually offer our slippery dollar?

You alone know our personal needs. You see the depths I dare not confess to another. My most severe wounds are buried in my own fear. The whole truth is difficult for us to face, humanly, so we will live another day on the margins.

Lord, help Congress to do what it is able to do. Anything more would be fictitious. You alone know us through and through. So, by placing all our trust in You, we can now work as hard as we can and rest in peace.

Amen.

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#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

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#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. COBLE) come forward and lead the House in the Pledge of Allegiance.

Mr. COBLE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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#### CONGRATULATING EMBRY RIDDLE UNIVERSITY

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, on November 5, Embry Riddle University held their annual symposium dedicated to issues in homeland security on its Prescott, Arizona, campus. Unfortunately, the House held votes that day and I could not attend, but I heard that it was a fantastic event.

This year's theme was "Challenges for Homeland Security in the 21st Century," and panelists came from the FBI, the CIA, and TSA, the Arizona Department of Public Safety, and from the world of academia, among other places. Topics covered a wide range of issues, such as cybersecurity, public-private partnerships, and coordination between Federal, State, and local law enforcement.

I congratulate the faculty and administration of the Embry Riddle Prescott campus for putting together the event and working to develop a new generation of homeland security professionals.

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#### FIREFIGHTERS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. I rise today to commend some of our country's finest heroes—our firefighters. These caring individuals at our local fire departments in the Florida Keys and Miami-Dade are first-rate examples of the selflessness and commitment required to be a firefighter. Every day, these brave folks work to better protect and care for our communities. Their outstanding work allows all of us to live with a greater peace of mind for the safety of our families.

The Miami-Dade Fire Rescue motto is: "Always Ready, Proud to Serve." Recently, they were named Florida's 2009 EMS Provider of the Year. My heartfelt congratulations go out to each of these remarkable heroes who made this distinction possible.

A bit further south in my district, in the Florida Keys, the Monroe County

firefighters just opened up their new facility in Big Pine Key. This newly renovated fire station will help them better serve the needs of our community.

I truly appreciate the hard work and dedication of all of our firefighters. Their professional and humanitarian services are essential to the public health, safety, and well-being of all south Florida. Congratulations to all.

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#### PUTTING PATIENTS' NEEDS FIRST

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. I'm here today to applaud this House for fighting for working Americans by last weekend passing comprehensive welfare reform. I want to recognize this legislation takes a huge step forward in addressing the issue of paying for value in our health care system.

The current payment system rewards volume and quantity of care rather than quality of care. We spend hundreds of billions of dollars every year on unnecessary tests and procedures that do not improve a patient's health. We need to change the incentive system. We need doctors and hospitals to work together to coordinate care, putting the patients' needs first.

In my district of southern Minnesota, the Mayo Clinic has created such a culture where doctors coordinate and look for the best quality results. There are other institutions around the country who also provide high-quality, efficient care at low costs. These organizations all do it differently, but the one thing they have in common is a culture of patient-centered care.

This culture needs to be replicated in every hospital across the country, and the way we get there is by changing the incentive system. I'm very proud that the provisions in this bill will address this very issue. If we're to reform any part of health care this year, this is the key.

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#### PROGRESSIVE BUT NOT PARTISAN?

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, much has been spoken and written about the White House snub of Fox News. We have heard little, however, about MSNBC. Anita Dunn, the departing White House Communications Director, was quoted in a recent New York Times article claiming that Rachel Maddow and Keith Olbermann, MSNBC hosts, are "progressive but not partisan." Well, they surely fooled me.

Some may agree with Ms. Dunn by concluding that these two are not merely partisan, but rather fiercely partisan, and Ms. Dunn insults our intelligence by claiming otherwise.

## BRINGING DOWN HEALTH CARE COSTS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, critics of the Affordable Health Care for America Act have said we're not doing enough to control costs. In fact, a great deal of what we have done in this legislation is aimed at reducing costs in the system—not just costs to Medicare and Medicaid, but also to the private system as well.

For instance, one of the things we do is move toward standardized forms, standardized billing forms. One estimate is that this could save the system \$30 billion a year. That's just one of the things that we put into motion to try and change the cost structure of health care in this country.

As my colleague from Minnesota mentioned, we're talking about changing the way we pay physicians so that we pay for the quality of care and not the quantity of care. In addition, we move to reduce readmissions to hospitals, because this is one of the greatest factors in high medical care costs.

Time after time in this bill, from comparative effectiveness research to investments in health care information technology, we do things that will bring costs down in health care, and that is our commitment to the American people. We will bring down costs and make health care affordable for every American.

## GREAT LAKES GITMO?

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Recently, the administration announced it may move up to 215 al Qaeda terrorists to Illinois. This proposal imposes an unnecessary new risk. We should slow it down and answer some basic questions.

The facility is only 22 miles from a nuclear reactor. What precautions are being taken? Commissions will be held in Illinois. How do we protect the families of jurors and prosecutors?

Since the facility will replicate Gitmo's military administration, how will Great Lakes Gitmo improve American PR?

Yesterday, we learned that two-thirds of the jobs claimed to be created will be active duty military. The Bureau of Prisons will hire no one over 37 years old and will hire nationwide, not just in Illinois.

It's ironic that the administration promised \$200 million to Palau to accept six terrorists—\$33 million a terrorist. But for 215 terrorists, Illinois would only get \$120 million—\$500,000 a terrorist. That's 66 times less than the rate paid to Palau.

The people of Illinois deserve to know a lot more about this proposal and how it would affect our safety.

## WHAT'S IN IT FOR SMALL BUSINESSES?

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, I am so proud of this House for getting the health reform bill out. And what is in it for small business? No entity fares better under reform than small business. That's because the current health insurance system is rigged against small business, which now faces fewer choices, higher costs and, as a consequence, less stable coverage for their workers.

Health insurance reform will level the playing field and provide more stability and security to small business. Small business then will be able to cover all of their employees. It's all about jobs, and the reform will lead towards jobs.

## ADMINISTRATION DITHERS ON AFGHANISTAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Back in March, the President made it clear we need a comprehensive approach to secure stability in Afghanistan. He stated that the safety of people around the world is at stake. I issued a statement in support. General McChrystal has requested more troops and resources in Afghanistan to do just that, but this administration continues to dither.

Several weeks ago, former Vice President Dick Cheney used the term "dithering" to describe the President's indecision. I agreed with the former Vice President because "dithering" means to hesitate and waste time.

In the Los Angeles Times on Saturday, Doyle McManus highlighted that now some of the President's own supporters are beginning to wonder whether Cheney was right. For the sake of American families at home, Congress and the President should not dither, but listen to the commanders in the field.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

## SUCCESSFUL HEALTH CARE PROGRAM

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, yesterday, AARP, an organization of 40 million Americans over the age of 50, announced the results of a poll regarding the Affordable Health Care for America Act. It found that by a two-to-one margin AARP supports this bill. And what's not to support?

This is a bill, for those who care about Medicare, which will close the doughnut hole, the infamous 100 percent deductible for seniors who are paying for the part D benefit that doesn't pay benefits after hitting \$2,300 in care. It eliminates copayments for preventive services, cancer screenings. But, most importantly, the actuaries for the Center for Medicare Services found on Friday that it extends the solvency of the Medicare trust fund by 5 years. So instead of going in a negative direction, we are strengthening the Medicare trust fund, which will ensure that Americans will have one of the most successful health programs ever created—Medicare for themselves, their children, and their grandchildren.

AARP, the American Heart Association, the American Cancer Society all support this bill, and the Senate should do the same and pass this measure and send it to President Obama for his signature.

## CMS REPORT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, just a week after the House passed Speaker PELOSI's health care reform bill, we've received a report from the Centers for Medicare and Medicaid Services showing what this bill will do to health care in America. If this bill were to become law, health care costs would increase by \$289 billion over the next 10 years. Rising costs are devastating families and businesses, but this trillion-dollar health care bill does nothing to stem the flood.

The same CMS report shows that proposed cuts to Medicare would reduce benefits for seniors. The \$571 billion in cuts could cause many doctors and hospitals to stop taking Medicare patients, leading to lines for service and degraded care. Further cuts to the program mean a greater burden on private insurance, a higher rate for businesses and individuals, higher costs, more government control, more taxes, and less competition.

Here we have more evidence that Speaker PELOSI's bill is the wrong kind of health care reform.

□ 1215

## HOLDING WALL STREET ACCOUNTABLE

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Policies of poor regulation and lax oversight of our financial system came to a head 1 year ago, greatly contributing to the worst financial crisis this country has experienced since the Great Depression. Over the past year, we have made tough choices and taken firm steps to bring

our economy back from the brink, but there is still much more work to do on the path to recovery, including enacting comprehensive reform on how Wall Street works, to protect Main Street and American families.

As we move forward, we must hold Wall Street accountable by making commonsense reforms to our financial regulatory system that will help prevent such a crisis from ever happening again. As we rebuild our economy, we must assure Wall Street can't take risks that jeopardize the whole economy: businesses, large and small, and family budgets, savings and retirements.

Financial regulatory reform will put procedures in place to make sure taxpayers will never again have to bail out too-big-to-fail institutions who take on irresponsible risk. It also restores accountability and transparency so that the problems are recognized and fixed before they threaten the entire economy as well as outlaw many of the egregious practices that led to the worst financial crisis in decades.

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LIEUTENANT COLONEL RAYMOND ERIC JONES, A MEMBER OF THE GREATEST GENERATION

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Raymond Eric Jones got married at the tender age of 19 to Lucille, and then he was off to serve his country 2 years later in the great World War II. Raymond flew B-17s over Germany, including bombing Normandy to prepare for the D-day invasion. In 1944, before his 25th mission, he was informed that upon completion of that mission, he would be taken back home to America as a hero and do public relations for the Air Force.

But that was not meant to be. His B-17 on that 25th mission was shot up and quickly crashed in a German field. Four members died on impact. Even though he was wounded, Lieutenant Colonel Jones pulled the remaining two from the wreckage, and he would remain in a German prisoner of war camp for the next 11 months. Fifty-eight years later, Lieutenant Colonel Jones received the distinguished Flying Cross for saving his two crew members. He has also received the Purple Heart, the Air Medal with six oak leaf clusters, the POW medal and the Presidential Unit Citation.

Monday, in the presence of his family, Taps will be played at Arlington National Cemetery, where Lieutenant Colonel Raymond Jones will be buried with full military honors, another member of the Greatest Generation who made America proud. Amazing breed—a rare breed, these World War II veterans.

And that's just the way it is.

HEALTH CARE FOR CHILDREN

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, Members, recently this House passed by 220-215 the historic health care reform bill, H.R. 3962, the Affordable Health Care for America Act. This legislation will have profound impact on the uninsured children in our country. In 2008, an estimated 64.1 percent of all children in the Nation had private coverage, 28.3 percent had public coverage, and 9.9 percent were uninsured.

But in Texas, we have 1.5 million children uninsured, giving us the distinction of having the highest number of uninsured children in the country. This is largely due to the State's refusal to fund State matching funds for the Children's Health Insurance Program, or CHIP. In 2008, 26.8 percent of the children in our district were uninsured, the third highest for uninsured children in the Nation.

H.R. 3962 provides sliding scale subsidies to families with incomes of up to 400 percent of the poverty line, which would not be dependent upon State budget decisions, as in the case of SCHIP. Funding for the affordability credits would not be capped and would rise automatically when needed.

We have an obligation to provide health benefits to our children and H.R. 3962 will ensure that all plans provide an essential benefits package that includes comprehensive benefits such as vision, hearing and dental care for children as well as well-baby and well-child care.

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WHERE ARE THE JOBS?

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. When Congress passed the trillion-dollar so-called stimulus, the national unemployment rate was 7.6 percent. Some politicians warned that without the stimulus, unemployment could pass 8 percent. This month, unemployment blew past 10 percent; and like you, I am wondering where the jobs are.

In the infinite wisdom of the government, \$18 million was spent on a Web site to track jobs. The just-released job figures for Montana are listed by congressional district. Montana, of course, has only one district. Yet the Federal Government spent \$372,000 to create one single job in Montana's non-existent 8th Congressional District. Our imaginary 16th Congressional District did better, with 32.5 jobs. Only a bureaucrat would count half a job in a district that does not exist. The government spent \$1 trillion to save and create jobs, and the opposite has happened. Millions more Americans have lost their jobs, and now they want to fix health care like they've fixed the economy.

CLEAN ENERGY JOBS FOR NEVADA

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, for far too long Nevada's economy has primarily been dependent on gaming and mining for job creation. Now it's time to diversify and take action to create clean energy jobs in Nevada, the sunniest State in the country with abundant geothermal and wind resources. We need jobs in southern Nevada, and the key is to focus on innovative new clean energy technologies.

Just yesterday, a major solar developer in Nevada, Solar Millennium, announced that it plans to dry-cool its plant in the Amargosa Valley. That means it will use 90 percent less water than originally anticipated. This is very exciting. I have offered a number of amendments on the floor to improve the water efficiency of solar technology, which is important because many of the sunniest States are also some of the driest. This smart, innovative decision to use less water for this major solar project will speed the approval process, help stimulate the local economy, and create needed jobs in southern Nevada.

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TERRORIST DETAINEES IN GUANTANAMO BAY

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute.)

Mr. BILIRAKIS. Mr. Speaker, I rise to express my outrage at President Obama's decision to bring terrorists being held at Gitmo to American soil for prosecution in our criminal justice system. This dangerous decision will grant these detainees, including the admitted mastermind behind 9/11, constitutional rights to which they most certainly are not entitled.

Prosecuting these detainees in our criminal courts also will raise the risk that they could be released on technicalities and will force our soldiers to worry about such things as reading captured combatants their so-called rights and preserving the chain of evidence.

Mr. Speaker, President Obama's decision is a gamble that we simply do not need to take. These detainees are enemy fighters who should be tried in the military justice system, not in American courts.

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HEALTH CARE REFORM'S IMPACT ON AMERICA'S SENIORS

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, we have heard how reforming our health care system will benefit both those with and without coverage. But what does reform mean for millions of our seniors?

It will mean a stronger and more improved Medicare program. More services will be covered under the program, including free preventive services. The safety and quality of care will also be improved through payment and delivery system reforms to encourage better care.

In addition, reform will bring tighter oversight by creating new tools to fight waste, fraud and abuse within Medicare, as well as save costs by eliminating gross overpayments. Medicare itself will be protected by extending the solvency of the Medicare trust fund by 5 years.

Most importantly, our bill will mean lower drug costs for seniors by allowing the government to negotiate drug prices on behalf of Medicare beneficiaries and by closing the doughnut hole that thousands of seniors just in my district alone hit each year.

Mr. Speaker, security and stability is what reform means for seniors and why most recently 63 percent of AARP members support the House version of health care reform.

#### HEALTH CARE BILL WILL NEGATIVELY AFFECT SENIORS

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, a new report says the health care bill that just passed the House will sharply reduce benefits to seniors. This report was done by President Obama's own administration. The Washington Post says it all. You can see it right here: "This bill would sharply reduce benefits for some senior citizens and could jeopardize access to care for millions of others."

My district has more than 267,000 seniors, the oldest congressional district in the country. I will not stand by while we devastate Medicare and raise taxes on individuals and small businesses. The report also warns that hospitals and nursing homes could stop taking Medicare all together.

I urge every Member of Congress to read this report so we can focus on real reform that does not punish our seniors.

#### SCHOOL-BASED HEALTH CLINICS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to remind my colleagues of just one of the essential programs included in the Affordable Health Care for America Act. This bill includes the first dedicated Federal funding for school-based health clinics. School-based clinics garner strong bipartisan support, and this provision is one of the many bipartisan initiatives included in our health reform legislation. Today clinics in our schools are providing comprehensive and easily acces-

sible health care to nearly 2 million students across the country.

Students spend 5 days a week in school. It's the most logical place to offer primary and preventive care. Without this legislation, some students may have no access to health education, screenings and other primary services. At the height of the flu season, there is a need for supporting these clinics, these school-based health clinics, now more than ever. This is just one more reason of why I urge my colleagues to help pass real health reform now.

#### TRIBUTE TO LIEUTENANT THOMAS CLAIBORNE, UNITED STATES MA- RINE CORPS

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, there are many heroes who have served our Nation from the Sixth Congressional District of Colorado. Today I rise to pay tribute to one hero in particular. Marine Corps First Lieutenant Thomas Claiborne of Parker, Colorado. On October 29, 2009, First Lieutenant Claiborne was lost when his Marine Super Cobra collided with a Coast Guard C-130 during an escort mission off the coast of California. The lives of the crew of both aircraft were lost in this tragic training accident.

First Lieutenant Claiborne graduated from the University of Colorado magna cum laude on a full Navy ROTC scholarship in May 2006 with a degree in aerospace engineering and later earned his wings as a pilot in the United States Marine Corps. He is remembered as a fine young man, an outstanding student and a dedicated Marine Corps officer who had always dreamed of flying. First Lieutenant Thomas Claiborne was a shining example of the Marine Corps traditions. As a fellow marine, my deepest sympathies go out to his family and to all that knew him.

#### FINANCIAL SERVICES REFORM

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, President Bush's policies of deregulation, poor regulation, and lack of oversight of our financial system came to a head a little more than a year ago, and they brought us the worst financial crisis since the Great Depression. As my friends on the other side of the aisle talk about unemployment and the stimulus package, it is their policies that made all of this necessary in the first place.

But the Democratic Congress is roaring back to protect consumers, to make our financial system more safe and sound, and to provide an orderly resolution of financial firms that have failed. Legislation being proposed right

now will provide unprecedented protections for American consumers through the Consumer Financial Protection Agency, put procedures in place to make sure taxpayers will never again have to bail out too-big-to-fail institutions, restore accountability and transparency so that problems are recognized and fixed before they threaten the entire economy, outlaw many of the most egregious practices, like subprime lending, and put our economy on a stable footing.

#### HEALTH CARE REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Congress is only a few steps away from passing a health care reform bill that is much needed for the American people. If we lose sight of our main goal to provide access coverage to everyone, especially the poor and the middle class that have already sacrificed or contributed so much so this country, I say, Ask not what you can do for the insurance companies but ask what you can do for the American people.

This is a humanitarian issue about responsible parents trying to provide for their families. The House bill ends the doughnut hole prescription drug coverage, ends copayment for preventive care, ends discrimination based on preexisting conditions, and provides more health care for our youth. The health bill means less red tape and less paperwork, more time with your families and doctors, lower premiums for older Americans.

This is extremely important at a time that the American families are stretching their budgets to the brink to make ends meet their needs and may have lost their jobs. Access to health care is not a privilege. It's a human right. I urge my colleagues to fight for the American family and pass real health care reform.

□ 1230

#### FINANCIAL REGULATORY REFORM

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Financial Services Committee's work to overhaul our financial system. Across the Nation, including my home State of Rhode Island, predatory lending and unregulated mortgage brokers led to unsustainable home loans and a drain on our economy. Now, with unemployment at 13 percent, my constituents, like many across the country, have had no other choice but to turn to credit cards to support their families and small businesses. Now what's happening is these struggling Rhode Islanders are subjected to the deceptive practices of credit card companies

greedily generating more profit before new regulations go into effect. We've all seen it. These practices include rising minimum payment amounts and interest rates, decreasing limits and closing accounts without proper notification. For these reasons and many more, consumer protection must be the cornerstone of financial reform. Further, we must restore accountability and transparency of financial institutions and eliminate risks that contributed to the financial collapse.

I look forward to voting on legislation which will address these past failures, strengthen regulation and oversight and put our country back on a path to economic stability.

#### HOW QUICKLY WE FORGET

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, how quickly we forget. Last year at this time the Nation faced the worst financial crisis in decades, shedding over 600,000 jobs a month. We knew that unemployment was going to get worse before it got better. This is little consolation to the millions of Americans who are currently unemployed, facing foreclosure, or forced to take multiple low-paying jobs to make ends meet.

Earlier this year, we took unprecedented action by passing the American Recovery and Reinvestment Act. The impact of this legislation is growing more evident each day across this country, but it's not enough, especially if you don't have a job.

It's time for us to focus on creating jobs that enable Americans to take care of themselves and their families. We must engage in long-term job creation, continuing the Recovery Act to rebuild our roads, bridges, water, sewer, and energy infrastructure to compete in a global economy. We must open credit markets to enable the real job creators, small businesses, to grow and hire.

Mr. Speaker, as millions of Americans continue to suffer, I ask us to get busy creating jobs and move quickly to pass a bill that will create hundreds of thousands of new jobs and make critical investments in our infrastructure.

#### HEALTH CARE REFORM

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, there are a lot of special interests out there that are making noise about what the House health care bill means for seniors. But seniors that I met with yesterday in Meriden, Connecticut, they're not falling for the scare tactics. That's because for years they've been dealing with the rising cost of health insurance, and they're the ones that have been paying for the

prescription drug doughnut hole that was created by the Republicans and their drug industry allies. The seniors that I talked to yesterday, they support the health care reform bill because it lowers their out-of-pocket expenses in Medicare. It eliminates the doughnut hole, and it extends the life of Medicare to make sure that it will be around for their kids and their grandkids.

And that's why AARP supports the bill as well, with polling showing that their members also support health care reform by a 2-1 margin. Mr. Speaker, seniors out there support health care reform because they, better than anybody, know what the status quo is, and they don't like it.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### CLEAN HULL ACT OF 2009

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3618) to provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3618

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Hull Act of 2009".

#### TITLE I—GENERAL PROVISIONS

##### SEC. 101. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ANTIFOULING SYSTEM.—The term "antifouling system" means a coating, paint, surface treatment, surface, or device that is used or intended to be used on a vessel to control or prevent attachment of unwanted organisms.

(3) CONVENTION.—The term "Convention" means the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, including its annexes, and including any amendments to the Convention or annexes which have entered into force for the United States.

(4) FPSO.—The term "FPSO" means a floating production, storage, or offloading unit.

(5) FSU.—The term "FSU" means a floating storage unit.

(6) GROSS TONNAGE.—The term "gross tonnage" as defined in chapter 143 of title 46, United States Code, means the gross tonnage calculated in accordance with the tonnage

measurement regulations contained in annex 1 to the International Convention on Tonnage Measurement of Ships, 1969.

(7) INTERNATIONAL VOYAGE.—The term "international voyage" means a voyage by a vessel entitled to fly the flag of one country to or from a port, shipyard, offshore terminal, or other place under the jurisdiction of another country.

(8) ORGANOTIN.—The term "organotin" means any compound or additive of tin bound to an organic ligand, that is used or intended to be used as biocide in an antifouling system.

(9) PERSON.—The term "person" means—

(A) any individual, partnership, association, corporation, or organized group of persons whether incorporated or not;

(B) any department, agency, or instrumentality of the United States, except as provided in section 3(b)(2); or

(C) any other government entity.

(10) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(11) SELL OR DISTRIBUTE.—The term "sell or distribute" means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, import, export, hold for import, hold for export, or receive and (having so received) deliver or offer to deliver.

(12) VESSEL.—The term "vessel" has the meaning given that term in section 3 of title 1, United States Code, including hydrofoil boats, air cushion watercraft, submersibles, floating craft, fixed or floating platforms, floating storage units, and floating production, storage, and offloading units.

(13) TERRITORIAL SEA.—The term "territorial sea" means the territorial sea as described in Presidential Proclamation No. 5928 on December 27, 1988.

(14) UNITED STATES.—The term "United States" means the several States of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction.

(15) USE.—The term "use" includes application, reapplication, installation, or any other employment of an antifouling system.

#### SEC. 102. COVERED VESSELS.

(a) INCLUDED VESSEL.—Except as provided in subsection (b), after the Convention enters into force for the United States, the following vessels are subject to the requirements of this Act:

(1) A vessel documented under chapter 121 of title 46, United States Code, or one operated under the authority of the United States, wherever located.

(2) Any vessel permitted by a Federal agency to operate on the Outer Continental Shelf.

(3) Any other vessel when—

(A) in the internal waters of the United States;

(B) in any port, shipyard, offshore terminal, or other place in the United States;

(C) lightering in the territorial sea; or

(D) to the extent consistent with international law, anchoring in the territorial sea of the United States.

(b) EXCLUDED VESSELS.—

(1) IN GENERAL.—The following vessels are not subject to the requirements of this Act:

(A) Any warship, naval auxiliary, or other vessel owned or operated by a foreign state, and used, for the time being, only on government noncommercial service.

(B) Except as provided in paragraph (2), any warship, naval auxiliary, or other vessel owned or operated by the United States and used for the time being only on government noncommercial service.

(2) APPLICATION TO UNITED STATES GOVERNMENT VESSELS.—

(A) IN GENERAL.—The Administrator may apply any requirement of this Act to one or more classes of vessels described in paragraph (1)(B), if the head of the Federal department or agency under which those vessels operate concurs in that application.

(B) LIMITATION FOR COMBAT-RELATED VESSEL.—Paragraph (1) shall not apply to combat-related vessels.

**SEC. 104. ADMINISTRATION AND ENFORCEMENT.**

(a) IN GENERAL.—Unless otherwise specified in this Act, with respect to a vessel, the Secretary shall administer and enforce the Convention and this Act.

(b) ADMINISTRATOR.—Except with respect to section 301 (b) and (c), the Administrator shall administer and enforce title III of this Act.

(c) REGULATIONS.—The Administrator and the Secretary may each prescribe and enforce regulations as may be necessary to carry out their respective responsibilities under this Act.

**SEC. 105. COMPLIANCE WITH INTERNATIONAL LAW.**

Any action taken under this Act shall be taken in accordance with treaties to which the United States is a party and other international obligations of the United States.

**SEC. 106. UTILIZATION OF PERSONNEL, FACILITIES OR EQUIPMENT OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.**

The Secretary and the Administrator may utilize by agreement, with or without reimbursement, personnel, facilities, or equipment of other Federal departments and agencies in administering the Convention, this Act, or any regulations prescribed under this Act.

**TITLE II—IMPLEMENTATION OF THE CONVENTION**

**SEC. 201. CERTIFICATES.**

(a) CERTIFICATE REQUIRED.—On entry into force of the Convention for the United States, any vessel of at least 400 gross tons that engages in one or more international voyages (except fixed or floating platforms, FSUs, and FPSOs) shall carry an International Antifouling System Certificate.

(b) ISSUANCE OF CERTIFICATE.—On entry into force of the Convention, on a finding that a successful survey required by the Convention has been completed, a vessel of at least 400 gross tons that engages in at least one international voyage (except fixed or floating platforms, FSUs, and FPSOs) shall be issued an International Antifouling System Certificate. The Secretary may issue the Certificate required by this section. The Secretary may delegate this authority to an organization that the Secretary determines is qualified to undertake that responsibility.

(c) MAINTENANCE OF CERTIFICATE.—The Certificate required by this section shall be maintained as required by the Secretary.

(d) CERTIFICATES ISSUED BY OTHER PARTY COUNTRIES.—A Certificate issued by any country that is a party to the Convention has the same validity as a Certificate issued by the Secretary under this section.

(e) VESSELS OF NONPARTY COUNTRIES.—Notwithstanding subsection (a), a vessel of at least 400 gross tons, having the nationality of or entitled to fly the flag of a country that is not a party to the Convention, may demonstrate compliance with this Act through other appropriate documentation considered acceptable by the Secretary.

**SEC. 202. DECLARATION.**

(a) REQUIREMENTS.—On entry into force of the Convention for the United States, a vessel of at least 24 meters in length, but less than 400 gross tons engaged on an international voyage (except fixed or floating

platforms, FSUs, and FPSOs) must carry a declaration described in subsection (b) that is signed by the owner or owner's authorized agent. That declaration shall be accompanied by appropriate documentation, such as a paint receipt or a contractor invoice, or contain an appropriate endorsement.

(b) CONTENT OF DECLARATION.—The declaration must contain a clear statement that the antifouling system on the vessel complies with the Convention. The Secretary may prescribe the form and other requirements of the declaration.

**SEC. 203. OTHER COMPLIANCE DOCUMENTATION.**

In addition to the requirements under sections 201 and 202, the Secretary may require vessels to hold other documentation considered necessary to verify compliance with this Act.

**SEC. 204. PROCESS FOR CONSIDERING ADDITIONAL CONTROLS.**

(a) ACTIONS BY ADMINISTRATOR.—The Administrator may—

(1) participate in the technical group described in Article 7 of the Convention, and in any other body convened pursuant to the Convention for the consideration of new or additional controls on antifouling systems;

(2) evaluate any risks of adverse effects on nontarget organisms or human health presented by a given antifouling system such that the amendment of annex 1 of the Convention may be warranted;

(3) undertake an assessment of relevant environmental, technical, and economic considerations necessary to evaluate any proposals for new or additional controls of antifouling systems under the Convention, including benefits in the United States and elsewhere associated with the production and use in the United States and elsewhere, of the subject antifouling system; and

(4) develop recommendations based on that assessment.

(b) REFERRALS TO TECHNICAL GROUP.—

(1) CONVENING OF SHIPPING COORDINATING COMMITTEE.—On referral of any antifouling system to the technical group described in article 7 of the Convention for consideration of new or additional controls, the Secretary of State shall convene a public meeting of the Shipping Coordinating Committee for the purpose of receiving information and comments regarding controls on such antifouling system. The Secretary of State shall publish advance notice of such meeting in the Federal Register and on the State Department's Web site. The Administrator shall assemble and maintain a public docket containing notices pertaining to that meeting, any comments responding to those notices, the minutes of that meeting, and materials presented at that meeting.

(2) REPORT BY TECHNICAL GROUP.—The Administrator shall promptly make any report by the technical group described in the Convention available to the public through the docket established pursuant to subsection (b) and announce the availability of that report in the Federal Register. The Administrator shall provide an opportunity for public comment on the report for a period of not less than 30 days from the time the availability of the report is announced in the Federal Register.

(3) CONSIDERATION OF COMMENTS.—To the extent practicable, the Administrator shall take any comments into consideration in developing recommendations under subsection (a).

**SEC. 205. SCIENTIFIC AND TECHNICAL RESEARCH AND MONITORING; COMMUNICATION AND INFORMATION.**

The Secretary, the Administrator, and the Administrator of the National Oceanic and Atmospheric Administration may each undertake scientific and technical research and

monitoring pursuant to article 8 of the Convention and to promote the availability of relevant information concerning—

(1) scientific and technical activities undertaken in accordance with the Convention;

(2) marine scientific and technological programs and their objectives; and

(3) the effects observed from any monitoring and assessment programs relating to antifouling systems.

**SEC. 206. COMMUNICATION AND EXCHANGE OF INFORMATION.**

(a) IN GENERAL.—Except as provided in subsection (b), with respect to those antifouling systems regulated by the Administrator, the Administrator shall provide to any party to the Convention that requests it, relevant information on which the decision to regulate was based, including information provided for in annex 3 to the Convention, or other information suitable for making an appropriate evaluation of the antifouling system.

(b) LIMITATION.—This section shall not be construed to authorize the provision of information the disclosure of which is otherwise prohibited by law.

**TITLE III—PROHIBITIONS AND ENFORCEMENT AUTHORITY**

**SEC. 301. PROHIBITIONS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any person—

(1) to act in violation of this Act, or any regulation prescribed under this Act;

(2) to sell or distribute in domestic or international commerce organotin or an antifouling system containing organotin;

(3) to manufacture, process, or use organotin to formulate an antifouling system;

(4) to apply an antifouling system containing organotin on any vessel to which this Act applies; or

(5) after the Convention enters into force for the United States, to apply or otherwise use in a manner inconsistent with the Convention, an antifouling system on any vessel that is subject to this Act.

(b) VESSEL HULLS.—Except as provided in subsection (c), no vessel shall bear on its hull or outer surface any antifouling system containing organotin, regardless of when such system was applied, unless that vessel bears an overcoating which forms a barrier to organotin leaching from the underlying antifouling system.

(c) LIMITATIONS.—

(1) EXCEPTED VESSEL.—Subsection (b) does not apply to fixed or floating platforms, FSUs, or FPSOs that were constructed prior to January 1, 2003, and that have not been in dry dock on or after that date.

(2) SALE, MANUFACTURE, ETC.—This section does not apply to—

(A) the sale, distribution, or use pursuant to any agreement between the Administrator and any person that results in an earlier prohibition or cancellation date than specified in this Act; or

(B) the manufacture, processing, formulation, sale, distribution, or use of organotin or antifouling systems containing organotin used or intended for use only for sonar domes or in conductivity sensors in oceanographic instruments.

**SEC. 302. INVESTIGATIONS AND INSPECTIONS BY SECRETARY.**

(a) IN GENERAL.—The Secretary may conduct investigations and inspections regarding a vessel's compliance with this Act or the Convention.

(b) VIOLATIONS; SUBPOENAS.—In any investigation under this section, the Secretary may issue subpoenas to require the attendance of witnesses and the production of documents and other evidence. In case of refusal

to obey a subpoena issued to any person, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.

(c) **FURTHER ACTION.**—On completion of an investigation, the Secretary may take whatever further action the Secretary considers appropriate under the Convention or this Act.

(d) **COOPERATION.**—The Secretary may cooperate with other parties to the Convention in the detection of violations and in enforcement of the Convention. Nothing in this section affects or alters requirements under any other laws.

**SEC. 303. EPA ENFORCEMENT.**

(a) **INSPECTIONS, SUBPOENAS.**—

(1) **IN GENERAL.**—For purposes of enforcing this Act or any regulation prescribed under this Act, officers or employees of the Environmental Protection Agency or of any State designated by the Administrator may enter at reasonable times any location where there is being held or may be held organotin or any other substance or antifouling system regulated under the Convention, for the purpose of inspecting and obtaining samples of any containers or labeling for organotin or other substance or system regulated under the Convention.

(2) **SUBPOENAS.**—In any investigation under this section the Administrator may issue subpoenas to require the attendance of any witness and the production of documents and other evidence. In case of refusal to obey such a subpoena, the Administrator may request the Attorney General to compel compliance.

(b) **STOP MANUFACTURE, SALE, USE, OR REMOVAL ORDERS.**—Consistent with section 104, whenever any organotin or other substance or system regulated under the Convention is found by the Administrator and there is reason to believe that a manufacturer, seller, distributor, or user has violated or is in violation of any provision of this Act, or that such organotin or other substance or system regulated under the Convention has been or is intended to be manufactured, distributed, sold, or used in violation of this Act, the Administrator may issue a stop manufacture, sale, use, or removal order to any person that owns, controls, or has custody of such organotin or other substance or system regulated under the Convention. After receipt of that order the person may not manufacture, sell, distribute, use, or remove the organotin or other substance or system regulated under the Convention described in the order except in accordance with the order.

**SEC. 304. ADDITIONAL AUTHORITY OF THE ADMINISTRATOR.**

The Administrator, in consultation with the Secretary, may establish, as necessary, terms and conditions regarding the removal and disposal of antifouling systems prohibited or restricted under this Act.

**TITLE IV—ACTION ON VIOLATION, PENALTIES, AND REFERRALS**

**SEC. 401. CRIMINAL ENFORCEMENT.**

Any person who knowingly violates paragraph (2), (3), (4), or (5) of section 301(a) or section 301(b) shall be fined under title 18, United States Code, or imprisoned not more than 6 years, or both.

**SEC. 402. CIVIL ENFORCEMENT.**

(a) **CIVIL PENALTY.**—

(1) **IN GENERAL.**—Any person who is found by the Secretary or the Administrator, as appropriate, after notice and an opportunity for a hearing, to have—

(A) violated the Convention, this Act, or any regulation prescribed under this Act is liable to the United States Government for a civil penalty of not more than \$37,500 for each violation; or

(B) made a false, fictitious, or fraudulent statement or representation in any matter in which a statement or representation is required to be made to the Secretary under the Convention, this Act, or any regulations prescribed under this Act, is liable to the United States for a civil penalty of not more than \$50,000 for each such statement or representation.

(2) **RELATIONSHIP TO OTHER LAW.**—This subsection shall not limit or affect the authority of the Government under section 1001 of title 18, United States Code.

(b) **ASSESSMENT OF PENALTY.**—The amount of the civil penalty shall be assessed by the Secretary or Administrator, as appropriate, by written notice.

(c) **LIMITATION FOR RECREATIONAL VESSEL.**—A civil penalty imposed under subsection (a) against the owner or operator of a recreational vessel, as that term is defined in section 2101 of title 46, United States Code, for a violation of the Convention, this Act, or any regulation prescribed under this Act involving that recreational vessel, may not exceed \$5,000 for each violation.

(d) **DETERMINATION OF PENALTY.**—For purposes of penalties under this section, each day of a continuing violation constitutes a separate violation. In determining the amount of the penalty, the Secretary or Administrator shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, the economic impact of the penalty on the violator, the economic benefit to the violator and other matters as justice may require.

(e) **REWARD.**—An amount equal to not more than one-half of any civil penalty assessed by the Secretary or Administrator under this section may, subject to the availability of appropriations, be paid by the Secretary or Administrator, respectively, to any person who provided information that led to the assessment or imposition of the penalty.

(f) **REFERRAL TO ATTORNEY GENERAL.**—If any person fails to pay a civil penalty assessed under this section after it has become final, or comply with an order issued under this Act, the Secretary or Administrator, as appropriate, may refer the matter to the Attorney General of the United States for collection in any appropriate district court of the United States.

(g) **COMPROMISE, MODIFICATION, OR REMISSION.**—Before referring any civil penalty that is subject to assessment or has been assessed under this section to the Attorney General, the Secretary, or Administrator, as appropriate, may compromise, modify, or remit, with or without conditions, the civil penalty.

(h) **NONPAYMENT PENALTY.**—Any person who fails to pay on a timely basis a civil penalty assessed under this section shall also be liable to the United States for interest on the penalty at an annual rate equal to 11 percent compounded quarterly, attorney fees and costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. That nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of that person's penalties and nonpayment penalties that are unpaid as of the beginning of that quarter.

**SEC. 403. LIABILITY IN REM.**

A vessel operated in violation of the Convention, this Act, or any regulation prescribed under this Act, is liable in rem for any fine imposed under section 18, United States Code, or civil penalty assessed pursuant to section 402, and may be proceeded against in the United States district court of any district in which the vessel may be found.

**SEC. 404. VESSEL CLEARANCE OR PERMITS; REFUSAL OR REVOCATION; BOND OR OTHER SURETY.**

If any vessel that is subject to the Convention or this Act, or its owner, operator, or person in charge, is liable for a fine or civil penalty under section 402 or 403, or if reasonable cause exists to believe that the vessel, its owner, operator, or person in charge may be subject to a fine or civil penalty under section 402 or 403, the Secretary may refuse or revoke the clearance required by section 60105 of title 46, United States Code. Clearance may be granted upon the filing of a bond or other surety satisfaction to the Secretary.

**SEC. 405. WARNINGS, DETENTIONS, DISMISSALS, EXCLUSION.**

(a) **IN GENERAL.**—If a vessel is detected to be in violation of the Convention, this Act, or any regulation prescribed under this Act, the Secretary may warn, detain, dismiss, or exclude the vessel from any port or offshore terminal under the jurisdiction of the United States.

(b) **NOTIFICATIONS.**—If action is taken under subsection (a), the Secretary, in consultation with the Secretary of State, shall make the notifications required by the Convention.

**SEC. 406. REFERRALS FOR APPROPRIATE ACTION BY FOREIGN COUNTRY.**

Notwithstanding sections 401, 402, 403, and 405, if a violation of the Convention is committed by a vessel registered in or of the nationality of a country that is a party to the Convention, or by a vessel operated under the authority of a country that is a party to the Convention, the Secretary, acting in coordination with the Secretary of State, may refer the matter to the government of the country of the vessel's registry or nationality, or under whose authority the vessel is operating, for appropriate action, rather than taking the actions otherwise required or authorized by this title.

**SEC. 407. REMEDIES NOT AFFECTED.**

(a) **IN GENERAL.**—Nothing in this Act limits, denies, amends, modifies, or repeals any other remedy available to the United States.

(b) **RELATIONSHIP TO STATE AND LOCAL LAW.**—Nothing in this Act limits, denies, amends, modifies, or repeals any rights under existing law, of any State, territory, or possession of the United States, or any political subdivision thereof, to regulate any antifouling system. Compliance with the requirements of a State, territory, or possession of the United States, or political subdivision thereof related to antifouling paint or any other antifouling system does not relieve any person of the obligation to comply with this Act.

**SEC. 408. REPEAL.**

The Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2401 et seq.) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 3618.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of the Clean Hull Act of 2009, H.R. 3618, as amended, which would institute the legal changes needed to bring the United States into full compliance with the International Convention on the Control of Harmful Anti-Fouling Systems on Ships. I commend the chairman of the full Committee on Transportation and Infrastructure, Congressman OBERSTAR, for his hard work on this legislation, and for his tireless commitment to ensuring that we do all that we can to minimize the impact of our transportation systems on our environment. I also commend the ranking member of the full committee, Mr. MICA, and the ranking member of the Coast Guard Subcommittee, Congressman LOBIONDO, for their work on this legislation.

On June 10, I convened the subcommittee to examine the impact on the marine environment of the use of coatings on the hulls of ships containing the compound tributyltin, better known as TBT. Such coatings are applied to prevent hull fouling. In the maritime world, the term "fouling" is defined as the unwanted growth of biological material, such as barnacles and algae, on a surface immersed in water. Because such material can slow a ship's movement through the water and can be transferred from one body of water to another, ship owners and operators have attempted throughout the history of maritime transportation to eliminate the accumulation of such materials through a variety of methods.

In the 1960s and 70s, hull coatings were developed that had as their main ingredient the compound TBT. At that time, TBT was hailed as the best anti-fouling agent ever developed. Unfortunately, as so often happened in that period, a product that showed promise was rushed to market before the full range of its impacts on the environment was understood. Over the years, it has become clear that TBT is highly toxic to marine life, including crustaceans, fish and even marine mammals. TBT has caused alterations in oyster shells, and has caused female dog whelks, a type of snail, to begin developing male sexual characteristics. There's even some evidence that TBT is bio-accumulative, meaning that larger animals can ingest it as they consume smaller animals on the food chain. Thus, the IMO reports that traces of TBT contamination have now been found even in whales.

I note that the use of TBT is already strictly regulated by U.S. law, specifically, under the Organotin Anti-Fouling Paint Control Act of 1998. Under this Act, the sale and most applications of TBT coatings are already prohibited in the United States. However, the best way of controlling the use of

TBT is by the U.S. accession to the International Convention on the Control of Harmful Anti-Fouling Systems on Ships. The Convention was adopted by the International Maritime Organization in October of 2001 to ban the use of hull coatings that contain TBT. The Convention came into force internationally on September 17, 2008. The United States Senate gave its consent to the Convention just a few days later, in September of 2008.

H.R. 3618 would finally implement in the United States the laws that will bring our Nation into full compliance with the Convention, thus completing our ratification of the Convention. By enacting H.R. 3618, the United States can prohibit ships with TBT coatings from entering U.S. waters unless the ships have overcoatings that prevent TBT from leaching from one underlying anti-fouling system.

I also note that in order to prevent a compound like TBT from ever again entering the environment through an anti-fouling coating, the International Convention on the Control of Harmful Anti-Fouling Systems on Ships also established a system under which new anti-fouling coatings can be tested to assess the effects on the marine environment. Coatings can be added to the list of prohibited anti-fouling systems under the Convention if they are found to be harmful. H.R. 3618 authorizes the Environmental Protection Agency to participate in international technical bodies convened to assess the safety of new anti-fouling systems.

I strongly believe that it is time for us to fully implement the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, and I urge the adoption of H.R. 3618 by the House today.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC, November 12, 2009.*

Hon. JAMES L. OBERSTAR,  
*Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.*

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 3618, the "Clean Hull Act of 2009."

H.R. 3618 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 3618 or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 3618 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,  
BENNIE G. THOMPSON,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

*Washington, DC, November 12, 2009.*

Hon. BENNIE G. THOMPSON,  
*Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.*

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 3618, the "Clean Hull Act of 2009".

I agree that provisions in H.R. 3618 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 3618.

This exchange of letters will be inserted in the Committee Report on H.R. 3618 and in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,  
JAMES L. OBERSTAR,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,

*Washington, DC, September 28, 2009.*

Hon. JAMES L. OBERSTAR,  
*Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 3618, the Clean Hull Act of 2009. This legislation was initially referred to both the Committee on Transportation and Infrastructure and the Committee on Science and Technology.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 3618, or any similar legislation.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this, or any similar legislation. I also ask that a copy of this letter and your response be placed in the legislative report on H.R. 3618 and the CONGRESSIONAL RECORD during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,  
BART GORDON,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

*Washington, DC, September 29, 2009.*

Hon. BART GORDON,  
*Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 3618, the "Clean Hull Act of 2009".

I appreciate your willingness to waive rights to further consideration of H.R. 3618,

notwithstanding the jurisdictional interest of the Committee on Science and Technology. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this or similar legislation. Further, I will support your request to be represented in a House-Senate conference on those provisions over which the Committee on Science and Technology has jurisdiction in H.R. 3618.

This exchange of letters will be placed in the Committee Report on H.R. 3618 and inserted in the CONGRESSIONAL RECORD as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,  
*Chairman.*

Mr. Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

I'd like to start off by saying that I strongly support H.R. 3618, the Clean Hull Act of 2009. I want to thank Mr. CUMMINGS and Mr. OBERSTAR for their help and cooperation in putting this bill together. The Committee on Transportation and Infrastructure first considered the topics addressed by this bill in June, and I'm very pleased to see that we're considering legislation to implement these international rules so quickly.

The bill would adopt the requirements of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships for purposes of U.S. law. Under the bill, use of toxic tin-based anti-fouling paints would be prohibited. These compounds have had a very negative significant impact on marine environments when they are leached into the water column from vessels' hulls. The United States has already taken steps to prohibit the use of these compounds by prohibiting the manufacture or sale of such marine paints. The bill would complete the process by allowing the United States to join as a party to the Convention in preventing foreign vessels treated with tin-based paints from entering U.S. waters.

I appreciate the assistance that has been provided by the Coast Guard and the EPA during the process to craft this bill, and I urge all Members to support the bill.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I now yield 5 minutes to the distinguished chairman of the Transportation Committee, Congressman OBERSTAR of Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the Chair of the subcommittee, Mr. CUMMINGS, for his leadership on this issue, and Mr. LOBIONDO for his participation in the hearings that we've held and the markup in the crafting of this very important legislation. It's an issue that I've been dealing with for 35 years, since I've served in the House.

I started my service, of course, on the Public Works Committee, as it was called then, but also on the Merchant Marine and Fisheries Committee, which has jurisdiction over our waters and the water environment and the ocean environment. Many years ago I gave a talk to a maritime group and quoted the poet Coleridge, citing our ocean environment and the ocean itself as deep, dark, heaving, endless and mysterious.

□ 1245

Deep it is. Deeper than perhaps the Himalaya chain.

Dark in its greatest depths, heaving in the worst of storms, mysterious, and we are beginning to unlock the mysteries of the ocean.

Endless it is not. Endless has given rise to the notion we can discharge whatever refuge we have of humanity into the ocean because it is endless. It is not. The drift nets that continue to kill with no social redeeming purpose; the trash of plastic that we discharge into the oceans and that gather in a swirl where Pacific Ocean currents meet and gather thousands of square miles of plastics that are ingested by whales, and one was found starving because it had ingested so much Styrofoam it couldn't process food. It is not endless. And neither are the chemicals that we discharge into it. They don't just fall harmlessly into the bottom and go out of sight. They enter into the food chain.

I learned in my earliest service on the Merchant Marine and Fisheries Committee and on the Merchant Marine Subcommittee the need to protect the hull and vessels from fouling, that our large, deep, draft merchant vessels can accumulate up to 6,000 tons of plants—yes, plants that will grow and the accumulation on the hulls—and creatures and shellfish and, of course, the well-known and oft-referenced barnacles. And that accumulation can slow down the vessel, can cause up to a 40-percent reduction in speed and 40-percent increase in fuel.

And science was enlisted to find a coating for hulls that would inhibit plant growth, and they found one: tributyltin. And like so many of these great discoveries, it has terrible side effects. It is causing shell deformation in oysters, neurotoxic and genetic effects in other marine species, and it's been found in the fatty tissue of whales and dolphins and sharks and other sea creatures. And it just goes on into the food chain. It is like PCB on land. We have to stop this.

There is happily an international convention on toxics in the marine environment, and we need to be a part of that. We need to be a leader, even though our merchant fleet has gone downhill. From the time I was elected and took office in 1975, we had 800 merchant vessels in the fleet. We were eighth in the world's fleets. That was dead last.

But at one time we had 25 million dead weight tons of shipping, we had

5,500 merchant vessels. We were number one in the world. Well, now the Cosco, the Chinese shipping company, is the number one, they have the greatest number of vessels. They have 25 million dead weight tons of merchant shipping.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I grant the gentleman an additional 3 minutes.

Mr. OBERSTAR. I thank the gentleman.

And the Maersk fleet of Denmark now carrying 13,000 containers on vessels a thousand feet in length, and other behemoths that ply the waters. And they are all accumulating these organisms and this tributyltin material being applied to the hulls. And it's all being sloughed off into the oceans.

So while we are, as a flag-carrier nation, small in the picture, our leadership is still huge. We have to take this step, this important step to prevent the continued pollution of the oceans and of their marine life within it so that some day we can return to Coleridge and find the ocean deep, dark, heaving, endless, and mysterious; and clean, inhabitable, useful for itself and for humanity.

Mr. Speaker, I rise today in strong support of H.R. 3618, the "Clean Hull Act of 2009". I thank the gentleman from Florida (Mr. MICA), the Ranking Member of the Committee on Transportation and Infrastructure, and Coast Guard and Maritime Transportation Subcommittee Chairman CUMMINGS and Ranking Member LOBIONDO for their bipartisan support of this much needed legislation.

Enacting H.R. 3618 will make the necessary changes in U.S. law to comply with the requirements of the International Convention on the Control of Harmful Antifouling Systems on Ships (Convention), which was adopted by the International Maritime Organization in October 2001 and entered into force on September 17, 2008.

Biological fouling is the unwanted accumulation of microorganisms, plants, and animals on structures that are exposed to the marine environment. Fouling can accelerate corrosion on a vessel's hull and on offshore and coastal marine structures. Antifouling is the process of removing or preventing the accumulation of biological fouling organisms.

In less than six months, a deep draft tank vessel's hull can accumulate up to 6,000 tons of fouling material if it is not treated with an antifouling application. Such fouling can cause significant economic and environmental impacts by increasing a vessel's fuel consumption by up to 40 percent. Biological fouling has also been a conduit for the transfer of invasive species into ecosystems.

Over the past 50 years, there have been a number of antifouling substances used to treat structures, but the most toxic to date has been tributyltin (TBT). Over time, TBT has been found in marine animals (including dolphins and whales) and in the waters of marinas, ports, harbors, open seas, and oceans. TBT has caused significant environmental and monetary impact by causing shell deformations in oysters, and neurotoxic and genetic effects in other marine species.

Since 2000, the Environmental Protection Agency has prohibited the sale or application

of paints containing TBT in the United States by enforcing the Organotin Anti-Fouling Paint Control Act of 1988 (OAPCA). In OAPCA, organotin-based antifouling paints are prohibited on some vessels less than 25 meters and the leaching rate of antifouling paints on larger vessels is limited.

H.R. 3618 will ban all vessels using antifouling paint containing TBT from entering the United States, further protecting our marine environment from this dangerous chemical. It also prohibits a person from selling or distributing organotin or an antifouling system containing organotin and from applying an antifouling system containing organotin on any ship to which H.R. 3618 applies.

H.R. 3618 will give the Coast Guard and Environmental Protection Agency the authority to ban foreign-flag ships from entering the United States if they have their hulls covered with paint containing TBT. The Convention will ultimately replace the OAPCA.

I urge my colleagues to join me in supporting H.R. 3618, the "Clean Hull Act of 2009".

Mr. LOBIONDO. Mr. Speaker, I yield back the balance of my time.

Mr. CUMMINGS. I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to just comment and associate myself with the words of Chairman OBERSTAR and add to them that this is our watch, this is a time that we have responsibility for this environment and it is our duty to make it even better than what we found it. I want to thank the chairman for his words. They were very inspiring.

With that, I urge the Members to vote for H.R. 3618.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 3618, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### DRIVE SAFER SUNDAY

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 841) expressing support for designation of November 29, 2009, as "Drive Safer Sunday".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 841

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas the National Highway Traffic Safety Administration (NHTSA) estimates that 37,313 people, or more than 100 drivers a day, were killed in motor vehicle traffic crashes in 2008;

Whereas the term "distracted driving" refers to anything that takes your eyes, hands,

or mind away from driving, including food and beverages, traffic accidents, adjusting the radio, children, pets, objects moving in the vehicle, talking or texting on a cell phone, smoking, putting on makeup, shaving, and reading;

Whereas the NHTSA researched driver distraction with respect to both behavioral and vehicle safety countermeasures in an effort to understand and mitigate crashes associated with distracted driving;

Whereas, on September 30, 2009, the Department of Transportation (DOT) Secretary Ray LaHood announced new research findings by the NHTSA that show nearly 6,000 people died in 2008 in crashes involving a distracted or inattentive driver, and more than half a million were injured;

Whereas distracted driving was reported to have been involved in 16 percent of all fatal crashes in 2008 according to data from the Fatality Analysis Reporting System (FARS);

Whereas the age group with the greatest proportion of distracted drivers was the under-20 age group, 16 percent of all under-20 drivers in fatal crashes were reported to have been distracted while driving;

Whereas an estimated 22 percent of injury crashes were reported to have involved distracted driving, according to data from the General Estimates System (GES);

Whereas crashes in which the critical reason for the crash was attributed to the driver, approximately 18 percent involved distraction, according to the National Motor Vehicle Crash Causation Survey (NMVCCS);

Whereas during the 100-Car Naturalistic Driving Study, driver involvement in secondary tasks contributed to over 22 percent of all crashes;

Whereas everyone traveling on the roads and highways needs to drive safer to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas driver behavior can be effectively changed through education and awareness; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year and would be appropriate to designate as "Drive Safer Sunday": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's Band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safer; and

(E) all people of the United States to use this as an opportunity to educate themselves about the dangers of distracted driving and highway safety; and

(2) supports the designation of "Drive Safer Sunday".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from New Jersey (Mr. LOBIONDO) will each control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 841.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 841, a resolution that supports the designation of November 29, 2009, as Drive Safer Sunday, and encourages the greater education and awareness of the growing dangers caused by distracted driving on the Nation's roadways. I thank the gentleman from Pennsylvania (Mr. GERLACH) for introducing this resolution ahead of the Thanksgiving holiday as part of a growing effort to combat this dangerous trend.

Improving roadway safety is a top priority of our national transportation policy. Through the coordinated efforts of the Congress, the Department of Transportation, States, local governments, and community leaders, we can—and we must—take steps to reduce the alarming numbers of fatalities on the Nation's roadways each year.

On average over the past 5 years, over 41,500 people annually have lost their lives in vehicle crashes resulting in yearly costs of \$289 billion to the United States economy. Despite these startling statistics, the public has in many ways come to accept traffic fatalities as unavoidable.

Recently, a number of high-profile accidents have brought public scrutiny on the dangers of distracted driving, particularly texting while driving. This attention has led to a growing consensus that tasks that require drivers to divert attention from the road—such as dialing a cell phone or sending text messages—undermine driver performance and must be combated.

According to the National Highway Traffic Safety Administration, in 2008, 5,870 people lost their lives and an estimated 515,000 people were injured in police-reported crashes in which at least one form of driver distraction was cited on the crash report. Driver distraction was reported to have been involved in 16 percent of all fatal crashes in 2008, increasing from 12 percent in 2004.

Addressing this troubling number of fatalities on our roadways will require a comprehensive approach to highway safety. That is why it is important during periods of above-average risk that we do everything in our power to inform the driving public about the importance of driving safety, remaining focused on the primary task at hand of operating a vehicle, and avoiding the many distractions that have caused so many unnecessary accidents.

This resolution brings much-needed awareness to the threats posed by roadway fatalities, particularly around the

busy Thanksgiving holiday. With drivers from every region of the U.S. traveling for the holidays, the Sunday after Thanksgiving is one of the busiest highway traffic days of the year, and one of the deadliest as well.

During the 2008 Thanksgiving season alone, 389 passenger vehicle occupants were killed in motor vehicle accidents nationwide. This Thanksgiving we can all play a role in reducing these numbers through the commonsense recommendations in this resolution.

I again thank the gentleman from Pennsylvania (Mr. GERLACH) for highlighting this important issue, and I urge my colleagues to join me in supporting H. Res. 841.

I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I rise in strong support of the resolution but at this point I would like to yield to the gentleman from Pennsylvania (Mr. GERLACH) such time as he may consume.

Mr. GERLACH. Mr. Speaker, I thank the gentleman for his support of the resolution and for yielding his time.

A special thank you to my good friend from New York (Mr. BISHOP) for his leadership on this issue and also for his words this afternoon in support of this resolution, and also thanks to the chairman, Chairman OBERSTAR; the ranking member, Mr. MICA; the subcommittee chair, Mr. DEFAZIO; and subcommittee ranking member, Mr. DUNCAN, for their support of this resolution as well.

As my colleagues on the Transportation and Infrastructure Committee and I have heard at recent hearings, the issue of distracted driving has been gaining a lot of attention recently, and rightfully so. On September 30, 2009, Secretary Ray LaHood announced new research findings by the National Highway Traffic Safety Administration that show nearly 6,000 people died in 2008 in crashes involving a distracted or inattentive driver, and more than half a million were injured.

While the most recognized form of distracted driving is talking or texting on the cell phone, the term "distracted driving" actually refers to anything that takes your eyes, hands, or mind away from driving—including food and beverages, traffic accidents, adjusting the radio, children and pets in the vehicle, smoking, putting on makeup, shaving and reading—all of these behaviors need highlighting.

As my colleague from Oregon, Chairman DEFAZIO, said during our committee's hearing on distracted driving, "More research needs to be done so we can fully understand the extent of this problem, but the research that has been done shows a growing consensus the tasks that require the driver to divert their eyes from the road and/or their hands from the steering wheel pose a serious distraction that undermines driver performance."

The Department of Transportation's recent distracted driving summit put a spotlight on this issue as well. Most

car accidents are caused by drivers not paying attention according to the administration.

Improving roadway safety is a top priority not only for the Transportation and Infrastructure Committee but the House of Representatives as well. While we are still in the formative stages of establishing a Federal legislative policy consensus, it is important that we do not delay in deploying important educational and awareness outreach efforts, and this resolution attempts to do just that.

This resolution, which we have called the Drive Safer Sunday resolution, simply designates November 29, the Sunday after Thanksgiving and the busiest highway traffic day of the year, as Drive Safer Sunday and encourages all people in the country to use this as an opportunity to educate themselves and others about the dangers of distracted driving and highway safety. This resolution would encourage schools, trucking firms, clergy, and law enforcement to launch educational campaigns to urge students, members, and citizens to be careful about safety and driving.

Motor vehicle travel is the primary means of travel in the United States, and the administration estimates that 37,315 people—or more than 100 drivers a day—were killed in motor vehicle crashes in 2008. As we approach the busiest traffic day of the year, everyone traveling on the roads and highways needs to be aware of the risks associated with distracted driving and drive safer to reduce deaths and injuries resulting from motor vehicle accidents.

This resolution is a reminder of the personal responsibility each driver accepts every time they put their key in the ignition, and we can all do little things to make the roads safer and be more considerate of the other motorists.

I thank the gentleman from New York (Mr. BISHOP) for his kind support of this resolution.

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Mr. BISHOP of New York. Mr. Speaker, I yield such time as he may consume to the chairman of the Transportation Committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

I want to thank Mr. BISHOP for his leadership on this issue, but especially the gentleman from Pennsylvania (Mr. GERLACH) who had the foresight and the tenacity of concern to draft this resolution and call national attention to the subject of safe driving, particularly on this busiest travel weekend of the year, the Thanksgiving holiday time.

It is particularly poignant to me as nearly every year our daughter, Noelle; her husband, Todd; granddaughters, Emma, Lily, and Coryn, drive from Kenosha, Wisconsin, to Washington for Thanksgiving and back, 13-plus hours

on the road. This year they are flying. My daughter Corrine and her husband, Steve, will come down from Pennsylvania near Mr. GERLACH's district and drive back, and it always bothers me there is so much traffic in the I-95 corridor which is so heavily traveled.

It takes me back to the beginning of the interstate highway system, the driving force behind the interstate. Far more than congestion on the Nation's roadways, movement of goods and people, was the prospect in 1955, the rising number of highway fatalities, that if we didn't do something, in less than a decade, more than 100,000 people would be dying on the Nation's roadways.

My predecessor, John Blatnik, who was one of the five coauthors of the interstate highway system, told me repeatedly when I was his administrative assistant that that was the driving force, the fear that we would continue to have carnage on the Nation's roadways, that drove the Congress, that pushed the Eisenhower administration to taking action to revive the study initiated under then-President Roosevelt just before the end of World War II that resulted in a recommendation of a 44,000-mile highway network for the continental United States.

Eisenhower then designated General Lucius Clay to resurrect that study. The Clay Commission came back and reported what became the National System of Interstate and Defense Highways.

Fatalities were in the range of 55,000 a year. We brought that down over 50 years to 43,000. Half of those are related to alcohol. Half of the fatal accidents are urban residents driving on rural roads not accustomed to obstructed line of sight, to blind intersections, to ground fog, to whiteouts at intersections during winter months. So half of the fatalities occur in rural areas. Half of those who die in rural areas are from urban centers.

We are all engaged together in the need for a safer driving environment. It was bad enough to have alcohol and drug abuse, but now distracted driving.

Mr. BISHOP referenced the Secretary's summit, as did Mr. GERLACH, on distracted driving just a few weeks ago. The Secretary is on his way to a conference in Moscow on safe driving. He left yesterday to lead the way among industrialized nations of the world to develop better information and take stronger action to improve safety on our roadways.

The European Commission, in 5 years, has reduced their highway fatality from 55,000 a year to 43,000 in just 5 years. A centerpiece of their action in the European Transport Ministry was to ban cell phone use. In Portugal, it is a crime to use a cell phone while driving. Whether you are involved in an accident or not, traffic police are authorized to arrest persons who can then be prosecuted as criminals for using cell phones while driving. The European community is serious about this, and we need to get serious as well.

This resolution will move us into a greater awareness, a broader general awareness of the need for improved attention to safety.

Our transportation bill that has been reported from subcommittee and ready to come to the House floor will double the investment, over 6 years, in highway safety to \$12-plus billion over 6 years. That is what we need to do. We have funding for awareness programs and we have funding for increased driver training and driver education responsibility and more truck safety. There are a whole range of initiatives that need to be undertaken and need to be funded. We need a 6-year transportation bill to do that. This administration needs to get on board with us, not spend the next year dithering about what kind of bill we need to have. We have got the bill. We have the ideas. We have the initiatives and the public support. We need to move ahead with this bill.

Thank heavens for this resolution that will increase public awareness in this very critical time of year. Many millions of our fellow citizens take to the highways. They need to take to the highways safely and come home safely.

Mr. LOBIONDO. Mr. Speaker, again I rise in strong support of the resolution and remind my colleagues that during this holiday season we have an opportunity to help remind drivers of the harmful consequences of distracted driving and that harmful consequence on loved ones and others. So I encourage all Members of Congress to join me in supporting this resolution.

I would like to insert into the CONGRESSIONAL RECORD correspondence received from the AAA organization.

TRIPLE A,

Washington, DC, November 2, 2009.

Hon. JIM GERLACH,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN GERLACH: AAA supports your resolution on distracted driving, H. Res. 841, to designate November 29, 2009, as "Drive Safer Sunday." Your effort is in line with our own work to raise public awareness of the dangers posed by distracted driving.

Recently, AAA and the AAA Foundation for Traffic Safety encouraged all drivers to participate in "Heads Up Driving Week" from October 5-11. We asked drivers to take a first step toward driving distraction-free by trying it for one week, and then continuing that good habit for life. Drivers were urged to sign a pledge committing to distraction-free driving, and were provided 10 tips on how to eliminate distractions from their daily travel. For your information, I am enclosing the 10 tips that support the campaign.

AAA has also launched a state legislative campaign to pass laws banning text messaging while driving in all 50 states by 2013. Enacting texting while driving bans is an important step in reducing the incidence of this dangerous practice among motorists nationwide. We'll also continue our work through public education, driver training, and other safety programs to discourage motorists from engaging in the broad range of distractions that tempt them while behind the wheel.

AAA and a number of other safety groups recently sent a letter urging Congress to

take a comprehensive approach to the issue of distracted driving. We urge Congress to support funding for research, data collection, public education, law enforcement and roadway countermeasures.

We support your goal of drawing public attention to the dangers of distracted driving and the importance of traffic safety. Thank you for your leadership on this important issue.

Sincerely,

JILL INGRASSIA,

Managing Director, Government Relations  
and Traffic Safety Advocacy.

#### AAA 10 TIPS TO MINIMIZE DISTRACTED DRIVING

AAA and the AAA Foundation for Traffic Safety will be asking motorists to participate by making Heads Up Driving Week a distraction-free week of driving.

Using a cell phone, text messaging, or emailing are just some of many possible distractions that divert drivers' attention. Eating, talking with passengers, reading maps or the newspaper, writing, personal grooming, and looking at things outside the vehicle are among countless activities that could create a substantial crash risk.

Below are 10 quick and easy ways drivers can minimize distractions.

1. Plan Ahead. Read maps and check traffic conditions before you get on the road.

2. Stow Electronic Devices. Turn off your phone before you drive so you won't be tempted to use it while on the road. Pull over to a safe place to talk on the phone or to send and receive text messages or emails.

3. Prepare Kids and Pets for the Trip. Get the kids safely buckled in and situated with snacks and entertainment before you start driving. If they need additional attention during the trip, pull off the road safely to care for them. Similarly, prepare and secure pets appropriately in your vehicle before getting underway.

4. Satisfy that Craving Off the Road. Eat meals and snacks before getting behind the wheel, or stop to eat and take a break if driving long-distance.

5. Store Loose Gear and Possessions. Stash away loose objects that could roll around and take your attention away from driving.

6. Get Your Vehicle Road-Ready. Adjust seat positions, climate controls, sound systems and other devices before you leave or while your vehicle is stopped. Make sure your headlights are spotless so you can see everything on the road and every other driver can see you better.

7. Dress for Success Before You Get in the Car. Your car isn't a dressing room. Brush your hair, shave, put on make-up, and tie your necktie before you leave or once you reach your destination.

8. Get Your Brain in the Game. Focus on the task at hand—driving safely. Scan the road, use mirrors and practice commentary driving, identifying orally events and conditions you may have to react to. Really focusing on maintaining your thoughts about the road, when you're on the road, can help enhance your engagement, your overall awareness and behavior as a driver, and help you see the importance of "being in the game."

9. Evaluate Your Own Behavior From the Other Side of the Road. When you're on the road as a passenger or a pedestrian, take a look around and honestly evaluate whether you might have some of the same driving behaviors as those who you're a little worried about as a passenger or pedestrian.

10. Enlist Passengers. Ask a passenger to help you with activities that may be distracting.

These tips and further information about distracted driving are available at [www.AAAFoundation.org/HeadsUp](http://www.AAAFoundation.org/HeadsUp).

I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, let me just close by thanking the gentleman from Pennsylvania (Mr. GERLACH) for his leadership on this issue. Let me also thank the chairman of the committee, Mr. OBERSTAR, for moving this resolution through the committee so rapidly and bringing it to the floor so quickly. Let me also echo the chairman's comments with respect to the urgency and the desirability of passing a robust reauthorization of the highway transportation bill as quickly as we possibly can.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 841.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CRUISE VESSEL SECURITY AND SAFETY ACT OF 2009

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3360) to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3360

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Cruise Vessel Security and Safety Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Cruise vessel security and safety requirements.
- Sec. 4. Study and report on the security needs of passenger vessels.

#### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) There are approximately 200 overnight ocean-going cruise vessels worldwide. The average ocean-going cruise vessel carries 2,000 passengers with a crew of 950 people.

(2) In 2007 alone, approximately 12,000,000 passengers were projected to take a cruise worldwide.

(3) Passengers on cruise vessels have an inadequate appreciation of their potential vulnerability to crime while on ocean voyages, and those who may be victimized lack the information they need to understand their legal rights or to know whom to contact for help in the immediate aftermath of the crime.

(4) Sexual violence, the disappearance of passengers from vessels on the high seas, and other serious crimes have occurred during luxury cruises.

(5) Over the last 5 years, sexual assault and physical assaults on cruise vessels were the leading crimes investigated by the Federal Bureau of Investigation with regard to cruise vessel incidents.

(6) These crimes at sea can involve attacks both by passengers and crew members on other passengers and crew members.

(7) Except for United States flagged vessels, or foreign flagged vessels operating in an area subject to the direct jurisdiction of the United States, there are no Federal statutes or regulations that explicitly require cruise lines to report alleged crimes to United States Government officials.

(8) It is not known precisely how often crimes occur on cruise vessels or exactly how many people have disappeared during ocean voyages because cruise line companies do not make comprehensive, crime-related data readily available to the public.

(9) Obtaining reliable crime-related cruise data from governmental sources can be difficult, because multiple countries may be involved when a crime occurs on the high seas, including the flag country for the vessel, the country of citizenship of particular passengers, and any countries having special or maritime jurisdiction.

(10) It can be difficult for professional crime investigators to immediately secure an alleged crime scene on a cruise vessel, recover evidence of an onboard offense, and identify or interview potential witnesses to the alleged crime.

(11) Most cruise vessels that operate into and out of United States ports are registered under the laws of another country, and investigations and prosecutions of crimes against passengers and crew members may involve the laws and authorities of multiple nations.

(12) The Coast Guard has found it necessary to establish 500-yard security zones around cruise vessels to limit the risk of terrorist attack. Recently piracy has dramatically increased throughout the world.

(13) To enhance the safety of cruise passengers, the owners of cruise vessels could upgrade, modernize, and retrofit the safety and security infrastructure on such vessels by installing peep holes in passenger room doors, installing security video cameras in targeted areas, limiting access to passenger rooms to select staff during specific times, and installing acoustic hailing and warning devices capable of communicating over distances.

### SEC. 3. CRUISE VESSEL SECURITY AND SAFETY REQUIREMENTS.

(a) IN GENERAL.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

#### “§ 3507. Passenger vessel security and safety requirements

“(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.—

“(1) IN GENERAL.—Each vessel to which this subsection applies shall comply with the following design and construction standards:

“(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

“(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

“(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, each passenger stateroom and crew cabin shall be equipped with—

“(i) security latches; and

“(ii) time-sensitive key technology.

“(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

“(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the Coast Guard).

“(2) FIRE SAFETY CODES.—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the Coast Guard and under international law, as appropriate.

“(3) EFFECTIVE DATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall take effect 18 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

“(B) LATCH AND KEY REQUIREMENTS.—The requirements of paragraph (1)(C) take effect on the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

“(b) VIDEO RECORDING.—

“(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

“(2) ACCESS TO VIDEO RECORDS.—The owner of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

“(c) SAFETY INFORMATION.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

“(d) SEXUAL ASSAULT.—The owner of a vessel to which this section applies shall—

“(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

“(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

“(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

“(A) possesses a current physician's or registered nurse's license and—

“(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

“(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

“(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of

human immunodeficiency virus and other sexually transmitted diseases; and

“(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

“(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

“(5) provide the patient free and immediate access to—

“(A) contact information for local law enforcement, the Federal Bureau of Investigation, the Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

“(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

“(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.—The master or other individual in charge of a vessel to which this section applies shall—

“(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

“(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

“(B) information to secure the safety of passengers or crew on board the vessel; or

“(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

“(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

“(f) CREW ACCESS TO PASSENGER STATEROOMS.—The owner of a vessel to which this section applies shall—

“(1) establish and implement procedures and restrictions concerning—

“(A) which crew members have access to passenger staterooms; and

“(B) the periods during which they have that access; and

“(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

“(g) LOG BOOK AND REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

“(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

“(i) all complaints of crimes described in paragraph (3)(A)(i),

“(ii) all complaints of theft of property valued in excess of \$1,000, and

“(iii) all complaints of other crimes, committed on any voyage that embarks or disembarks passengers in the United States; and

“(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

“(2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—

“(A) the vessel operator;

“(B) the name of the cruise line;

“(C) the flag under which the vessel was operating at the time the reported incident occurred;

“(D) the age and gender of the victim and the accused assailant;

“(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crew member;

“(F) the vessel’s position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

“(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

“(H) the time and date the incident occurred, if known;

“(I) the total number of passengers and the total number of crew members on the voyage; and

“(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

“(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

“(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner’s designee)—

“(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244 (a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000 to report the incident;

“(ii) shall furnish a written report of the incident to the Secretary via an Internet based portal;

“(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet based portal maintained by the Secretary of Transportation; and

“(iv) may report any other criminal incident involving passengers or crew members, or both, to the proper State or local government law enforcement authority.

“(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

“(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

“(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

“(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

“(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

“(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

“(A) WEBSITE.—The Secretary of Transportation shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i) that are no longer under investigation by the Federal Bureau of Investigation. The data shall be updated no less frequently than quarterly, aggregated by—

“(i) cruise line, with each cruise line identified by name; and

“(ii) whether each crime was committed by a passenger or a crew member.

“(B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary under subparagraph (A).

“(h) ENFORCEMENT.—

“(1) PENALTIES.—

“(A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is \$50,000.

“(B) CRIMINAL PENALTY.—Any person that knowingly fails to record in a log book or to make a log book available in accordance with subsection (g)(1), or to report in accordance with subsection (g)(3), shall be fined not more than \$250,000 or imprisoned not more than 1 year, or both.

“(2) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

“(A) commits an act or omission for which a penalty may be imposed under this subsection; or

“(B) fails to pay a penalty imposed on the owner under this subsection.

“(i) PROCEDURES.—Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

“(j) REGULATIONS.—The Secretary of Transportation and the Commandant shall each issue such regulations as are necessary to implement this section.

“(k) APPLICATION.—

“(1) IN GENERAL.—This section and section 3508 apply to a passenger vessel (as defined in section 2101(22)) that—

“(A) is authorized to carry at least 250 passengers;

“(B) has onboard sleeping facilities for each passenger;

“(C) is on a voyage that embarks or disembarks passengers in the United States; and

“(D) is not engaged on a coastwise voyage.

“(2) FEDERAL AND STATE VESSELS.—This section and section 3508 do not apply to a vessel that is owned and operated by the United States Government or a vessel that is owned and operated by a State.

“(1) OWNER DEFINED.—In this section and section 3508, the term ‘owner’ means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

“§ 3508. Crime scene preservation training for passenger vessel crew members

“(a) IN GENERAL.—Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary, in consultation with the Director of the Federal Bureau of Investigation and the Maritime Administrator, shall develop training

standards and curricula to allow for the certification of passenger vessel security personnel, crew members, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. The Administrator of the Maritime Administration may certify organizations in the United States and abroad that offer the curriculum for training and certification under subsection (c).

“(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include—

“(1) the training and certification of vessel security personnel, crew members, and law enforcement officials in accordance with accepted law enforcement and security guidelines, policies, and procedures, including recommendations for incorporating a background check process for personnel trained and certified in foreign countries;

“(2) the training of students and instructors in all aspects of prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment; and

“(3) the provision or recognition of off-site training and certification courses in the United States and foreign countries to develop and provide the required training and certification described in subsection (a) and to enhance security awareness and security practices related to the preservation of evidence in response to crimes on board passenger vessels.

“(c) CERTIFICATION REQUIREMENT.—Beginning 2 years after the standards are established under subsection (b), no vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crew member onboard who is certified as having successfully completed training in the prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment on passenger vessels under subsection (a).

“(d) INTERIM TRAINING REQUIREMENT.—No vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crew member onboard who has been properly trained in the prevention, detection, evidence preservation and the reporting requirements of criminal activities in the international maritime environment. The owner of such a vessel shall maintain certification or other documentation, as prescribed by the Secretary, verifying the training of such individual and provide such documentation upon request for inspection in connection with enforcement of the provisions of this section. This subsection shall take effect 1 year after the date of enactment of the Cruise Vessel Safety and Security Act of 2009 and shall remain in effect until superseded by the requirements of subsection (c).

“(e) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$50,000.

“(f) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

“(1) commits an act or omission for which a penalty may be imposed under subsection (e); or

“(2) fails to pay a penalty imposed on the owner under subsection (e).”.

(b) CLERICAL AMENDMENT.—The table of contents for such chapter is amended by adding at the end the following:

"3507. Passenger vessel security and safety requirements.

"3508. Crime scene preservation training for passenger vessel crew members."

**SEC. 4. STUDY AND REPORT ON THE SECURITY NEEDS OF PASSENGER VESSELS.**

(a) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall conduct a study of the security needs of passenger vessels depending on number of passengers on the vessels, and report to the Congress findings of the study and recommendations for improving security on those vessels.

(b) REPORT CONTENTS.—In recommending appropriate security on those vessels, the report shall take into account typical crew member shifts, working conditions of crew members, and length of voyages.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

**GENERAL LEAVE**

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3360.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the Cruise Vessel Security and Safety Act of 2009, H.R. 3360, as amended.

This legislation, authored by Congresswoman DORIS MATSUI, would require that cruise vessels calling on the United States take reasonable steps to improve the physical safety and security of their vessels. The legislation also would require cruise vessels to report to U.S. authorities allegations of specific crimes on cruise ships.

Almost all of the nearly 200 cruise vessels embarking and disembarking passengers in the United States are registered in foreign countries. As a result, U.S. laws apply directly to these vessels and to those sailing on these vessels only when they are sailing in U.S. waters.

While available statistics suggest that crime is infrequent on cruise vessels, many Americans do not realize, when they step on a cruise ship, they are stepping on what becomes a floating piece of some other country's jurisdiction as soon as it is more than 12 miles from United States shores.

Unfortunately, for those who are the victims of crime on cruise vessels, the implications of this reality become clear only after they learn that the laws applying to the cruise vessels may not and often do not extend to them the kinds of protections United States laws would extend.

Additionally, the unique circumstances of life at sea, particularly if a vessel is far from the kinds of law

enforcement resources that are available on land, often make the prosecution of those accused of committing a crime on a cruise ship very difficult. As a result, though crime is infrequent on cruise vessels, so are prosecutions of those accused of crimes.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I held two hearings to examine the issue of crime on cruise ships. I believe H.R. 3360 responds directly to the problems we examined in our hearings by requiring reasonable alteration in vessel design, equipment, and construction standards to increase the physical safety and security of passengers. For example, H.R. 3360 requires that cruise vessels install peepholes or similar features in cabin doors so passengers can identify who is at their door without having to open it. H.R. 3360 also requires that cruise vessels have railings that are at least 42 inches high to help prevent passengers from falling overboard.

To ensure that those who are victims of sexual assaults have immediate access to state-of-the-art medical care, H.R. 3360 requires that cruise ships have onboard trained personnel who can provide treatment to assault victims, collect evidence to support prosecutions, and administer antiretroviral medications as soon as possible. The legislation also requires that a store of such medications be maintained on cruise vessels.

H.R. 3360 also specifies certain crimes that must be reported to U.S. authorities, and it requires the Secretary of Transportation to maintain an Internet site that provides a numerical accounting of the crimes reported to U.S. authorities. Such statistics will be aggregated by individual cruise lines, and cruise lines will be required to maintain a link to the site on their own Web pages.

Again, Mr. Speaker, I applaud the work of the gentlewoman from California (Ms. MATSUI) who has worked tirelessly on this issue and given it just a tremendous, tremendous effort. I applaud her and thank her on behalf of the Congress and a grateful Nation.

I urge all of the Members of the House to join me in passing H.R. 3360, as amended.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,

Washington, DC, November 12, 2009.

Hon. JAMES L. OBERSTAR,  
Chairman, Committee on Transportation and  
Infrastructure, Washington, DC.

DEAR CHAIRMAN OBERSTAR, I write to you regarding H.R. 3360, the "Cruise Vessel Security and Safety Act of 2009."

H.R. 3360 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 3360 or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 3360 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Washington, DC, November 12, 2009.

Hon. BENNIE G. THOMPSON,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR CHAIRMAN THOMPSON, I write to you regarding H.R. 3360, the "Cruise Vessel Security and Safety Act of 2009".

I agree that provisions in H.R. 3360 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 3618.

This exchange of letters will be inserted in the Committee Report on H.R. 3360 and in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,  
Chairman.

I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I rise in support of H.R. 3360, the Cruise Vessel Security and Safety Act of 2009, and yield myself such time as I may consume.

I would like to state that I believe this language is a significant improvement over legislation that was considered by the House in the 110th Congress and mirrors language currently awaiting final action in the Senate.

□ 1315

The provisions of this legislation were also included as part of H.R. 3619, the Coast Guard Authorization Act of 2010, which the House overwhelmingly approved last month.

For several years the Committee on Coast Guard and Maritime Transportation has closely examined the factors impacting the safety and security of American citizens aboard cruise ships that operate in and out of U.S. ports. H.R. 3360 makes commonsense improvements which will enhance safeguards for passengers during a cruise. While no level of procedural or structural modifications can prevent all incidents from occurring, I believe this bill will significantly enhance the capabilities of both passengers and cruise lines in the future.

The bill will also codify an agreement between the FBI and cruise lines which will require cruise operators to

immediately notify Federal law enforcement agencies of major incidents that occur aboard a vessel.

I support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. MATSUI), who is the sponsor of the bill and who has been so helpful to our committee and our subcommittee on this issue.

Ms. MATSUI. I thank the gentleman from Maryland, who has been such a leader in all of this.

Mr. Speaker, I rise today in support of H.R. 3360, the Cruise Vessel Safety and Security Act, legislation that I introduced earlier this year. I want to thank both Chairman OBERSTAR and Chairman CUMMINGS for the good work their committees have done on this bill and for their tremendous support to enact this critical legislation.

There is an urgent need for the reform I have outlined in the Cruise Vessel Safety and Security Act. For far too long, American families have unknowingly been at risk when embarking on cruise vacations. Unfortunately, the status quo has allowed cruise ships to operate under foreign flags of convenience, and they are not required under U.S. law to report crimes occurring outside of our territorial waters. But leaving our territorial waters does not mean that cruise ships should be allowed to operate without basic laws that protect American citizens.

My legislation requires that all crimes that occur aboard cruise ships be reported to the Coast Guard and to the FBI. Without proper screening processes and accountability, these reprehensible and violent acts will be allowed to continue. Unclear lines of jurisdiction are no longer an excuse for risking the safety of millions of Americans who board cruise ships each year.

I first became aware of the need for increased protections for Americans when one of my constituents, Laurie Dishman, wrote to me for help in April of 2006. Laurie was a victim of a sexual assault while on a cruise vacation. She was given no assistance by the cruise line in properly securing evidence of the assault, no assistance in identifying her attacker, no assistance in prosecuting the crime once back on shore.

Devastated, Laurie reached out to me, and I immediately called for hearings on this issue and began to work on this legislation. Our hearings made apparent the gross inadequacies of current cruise safety provisions; and with ongoing news coverage of recent rapes on cruise ships, it is clear that this legislation is urgent and necessary.

My legislation establishes stringent new standards to ensure the safety and security of passengers on cruise vessels. Its reforms include reporting that vessel personnel be able to preserve evidence of crimes committed on the vessels and provide appropriate medical treatment to the victims of sexual

assaults. Security, safety, and accountability must all be strengthened to hold criminals accountable and end the cycle of serious crimes on cruise ships.

This has been a long, difficult road for all cruise victims and their families, and this legislation is truly a result of their courage, their dedication, and their conviction to prevent further crimes from happening. These reforms are long overdue, common sense, and are supported by the Cruise Line Industry Association and was included in the Coast Guard Authorization Act that passed this year.

I urge my colleagues to vote in support of this important legislation and join me in paving a path for a safer future for all cruise passengers.

Mr. LOBIONDO. Mr. Speaker, I am very happy to yield 5 minutes to my colleague from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding.

Mr. Speaker, I rise in very strong support of this critically needed legislation, the Cruise Vessel Security and Safety Act; and I want to compliment the author of the legislation, Ms. MATSUI, for her efforts. Like her, I have a tragic story that has been brought to my attention which will be addressed by this legislation, and I want to make it clear how important I believe this legislation is to millions of potential victims who go unknowingly onto cruise ships.

Merrian Carver, the daughter of one my constituents, Ken Carver, was a vibrant young woman who had her entire life ahead of her. Tragically, at the age of 40, she disappeared from a cruise ship in August of 2004 and was never found. That would be bad enough in itself, but it is the outrageous conduct afterward which this legislation addresses. There have already been comments about the lack of supervision or safety or the lack of protection of the law, but in this instance there was callous disregard.

The steward of the ship knew she was onboard and that she had used her room the first night, and he conscientiously reported that she did not use her room again any of the subsequent nights. She had gone missing on the second day of the cruise, and nothing was done. No law enforcement officials were contacted. No family members were contacted. Nothing was done. In essence, the steward was told, Be quiet and mind your own business.

At the end of the trip, Merrian's personal effects were simply boxed up. The FBI was not notified. The family was not notified.

Ultimately, Merrian's family, in a desperate effort, was forced to hire a law firm and a private investigator. Again, however, they met with resistance and unnecessary delays in response by the cruise ship. It took days to confirm that Merrian had, in fact, boarded the ship, and video confirmed that she had boarded the ship. And it took even more time to get permission to interview the steward.

She had not been in her room for 5 days, and her absence had simply gone unreported and unacted upon. Her family hired a private investigator, and he was resisted in his efforts to talk to people on the ship. Ultimately, the law firm that they retained obtained a court order to interview the steward and other personnel responsible.

This simply should not happen on ships that call on American ports. It should never happen, and Americans need to be aware. Again, I compliment Ms. MATSUI.

This legislation takes important and reasonable steps to protect Americans and all citizens when they board these ships. Cruise ships have a duty of responsibility to the people who board them. This will make those cruise ships more accountable and safer. It will, as has been mentioned, require some video surveillance to monitor crime onboard. It will require crime scene investigation training and certification for some cruise vessel crew members. It will require other provisions to ensure that if one of our loved ones goes missing on a cruise ship, they are notified.

Importantly, it will require the preservation of evidence. Like Ms. MATSUI's constituent who was the victim of a rape, this legislation will require that rape kits be kept onboard in case such a tragic event happens again.

This is critically needed legislation. It has followed somewhat of a tortured path. It came across this floor once before, and its ultimate enactment into law was jeopardized by being coupled with other legislation.

I compliment the chairman of the subcommittee and the chairman of the full committee and the ranking member. I think it is essential that this legislation be enacted, and I compliment you for separating it for a stand-alone vote.

Mr. CUMMINGS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. RICHARDSON). She is a strong member of our subcommittee and certainly one who has championed this cause too.

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of H.R. 3360, the Cruise Vessel Security and Safety Act of 2009, which will address cruise safety in many of our communities. I would like to thank Chairmen OBERSTAR and CUMMINGS and my colleague Ms. MATSUI from California for bringing forward this issue that we've all talked about and are now glad to see finally come to the floor again.

Cruise ships are enjoyed by approximately 10 million Americans every year, and many of them come to my district in the Ports of Long Beach and Los Angeles. This bill will take many steps towards preventing crimes on cruise ships and ensuring that those crimes that are committed, the people who do those deeds, will find justice.

By enacting measures such as installing peepholes on doors, basic things like increasing video surveillance, and

keeping better records of incidents that do occur will make our seas safer and really cause the cruise to be a vacation as advertised.

I applaud the bill's emphasis on safety and health. It will ensure that a sufficient number of physicians are aboard every ship and that ships have appropriate up-to-date supplies of anti-retroviral medications. Just a few weeks ago, I met with some of the members of the cruise ship industry and talked to them about what they're doing to prepare for the H1N1 virus.

Now is the time. We have long put people in jeopardy of not really having the appropriate safety regulations and measures, and I applaud this Congress and our chairmen for bringing it forward today.

Mr. LOBIONDO. Mr. Speaker, I am now pleased to yield 5 minutes to my colleague from Texas (Mr. POE).

Mr. POE of Texas. Mr. Speaker, I appreciate the gentleman from New Jersey yielding time and his work on this legislation and, of course, the chairman from Maryland and his work as well, but also the gentlewoman from California (Ms. MATSUI), who has been a relentless advocate of protecting citizens that are on cruise lines.

I recently was a cosponsor of similar legislation, H.R. 1485, the Cruise Vessel Security Act of 2009, that was passed by this House. And this bill, H.R. 3360, the Cruise Vessel Security and Safety Act of 2009, makes cruise lines more accountable when passengers become victims of crime at sea.

Every year cruise line companies carry over 10 million American citizens to and from America's ports, and these cruise lines promise Americans safety, security, fun, relaxation aboard their ships. But sometimes that is not the whole story.

In 2007 the Los Angeles Times published an article disclosing sexual assault data that was provided by Royal Caribbean International as part of a civil lawsuit. The article's disturbing and startling report showed that over a 32-month period, Royal Caribbean reported over 250 incidents of sexual assault, battery, and harassment. Cruise companies have been forced to pay millions of dollars in order to settle civil lawsuits filed in American courts for failing to protect American passengers. Congressional testimony by victims of sexual assault on cruise ships exposes so much more than the cruise lines have really told us.

Most disturbing from this testimony were from female victims that were sexually assaulted by crew members on the high seas. Almost 40 percent of the crimes were committed by cruise company employees. And as the gentlewoman from California has pointed out, her constituent Laurie Dishman in 2006 was sexually assaulted by a man on the cruise ship who was a security officer.

This individual, Laurie Dishman, reported the incident, and the cruise line did absolutely nothing. When the

cruise was over with, she met with the FBI and explained her case, and after several days she later received a phone call saying that the Department of Justice would not prosecute her case and that the FBI had closed the investigation and gave her no explanation.

So then she wrote a letter to Royal Caribbean Cruise Lines, and they wrote her back, Mr. Speaker, thanking her for her business and even had the audacity to send her a coupon for future trips on their cruise line.

I commend Ms. Dishman for bringing this whole issue before Congress and especially Ms. MATSUI, her Representative from California, for exposing these atrocities to the American public and to this Congress. If these U.S.-based cruise ship companies who own and operate foreign flag passenger vessels want to access the millions of Americans who travel their cruise ships every year, they should be required to implement proper safety and security improvements for all travelers.

The U.S. Government also needs to ensure that American citizens and American families are safe when they travel on cruise ships departing from our ports. And when crimes are reported on the high seas, the perpetrators should be accountable.

As chairman of the Victims' Rights Caucus, I strongly support this legislation.

□ 1330

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the distinguished chairman of our committee, the gentleman from Minnesota (Mr. OBERSTAR). I want to thank him as he rises for all of his hard work.

Mr. OBERSTAR. Mr. Speaker, I thank the chairman, Mr. CUMMINGS, for the prodigious work done, the hearing preparation, not just the hearing, but preparation for the hearing, gathering the information and steeping himself in the subject of the hearing and gathering all the data, and then working to shape the ultimate legislation. He has done a superb job, as has Mr. LOBIONDO, our ranking member, and former chairman of the subcommittee.

I especially want to thank Ms. MATSUI for her work at the behest of her constituent, having heard this terrible experience her constituent went through on that cruise experience. She then had the courage to testify at our committee hearing. That's really extraordinary. So determined was she to see justice done, to change the culture aboard cruise ships, the indifference we saw in this particular case, the indifference spread throughout this industry, to the plight of the rare but nonetheless experiences that cruise passengers go through. Some 10.5 million took a cruise vacation in 2007. That's a very sizable number of our constituency nationwide.

There is only one U.S.-flagged cruise line, cruise vessel, I should say. There are over 200 cruise vessels that are registered under foreign flags. When crime

occurs aboard those vessels, as was said earlier by both Mr. CUMMINGS and Mr. LOBIONDO, it's on the high seas, beyond the jurisdiction of the United States. But when that vessel comes into port, it is under our law.

This is a law enforcement bill. And the gentleman from Arizona (Mr. SHAD-EGG) very well and thoughtfully and with great feeling described the experience of his constituent, the family of constituents of a woman who was actually lost. This legislation, as he pointed out, and as Mr. CUMMINGS pointed out, provides a pathway to correcting those problems out into the future. But we have to get a bill passed. That is why we separated this bill from other legislation.

There is already a hold on this bill in the other body. A Member of the other body is holding this bill up and insisting that a fee be imposed on cruise line passengers to pay for any Federal Government involvement. This is law enforcement. We don't ask our fellow citizens to pay a fee for their homes to be protected against burglary. We don't ask victims of rape to pay a fee to be protected against future rape. That is just—well, it's beyond description. I shouldn't say anything further.

But we have to get a bill passed. And the Member of the other body who is insisting on those conditions needs to have a visit with reality. And the reality are those victims of violence aboard cruise ships. And this legislation will bridge the gaps between the rights of victims and the actual experiences they encounter, provide protection, provide access to assistance to victims of crime and give them the protection of U.S. law, extend that to those 10.5 million of our fellow citizens who take a cruise vacation so it will be a pleasant experience and not a nightmare.

Mr. Speaker and colleagues, I just want to observe and thank the ranking member of the subcommittee, Mr. LOBIONDO, that this particular bill, is the 200th bill of our committee in the 110th and now the 111th Congress, the 200th bill that we have moved through committee, and I expect soon through the House and one veto override, in the 2½ years under my chairmanship.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman 1½ additional minutes.

Mr. OBERSTAR. I want to thank my colleagues on the Democratic side and particularly my colleagues on the Republican side for the splendid participation we have had and the partnership we have enjoyed in moving together a legislative agenda for America, for the good of this country, a partnership that we extended during the years of the Republican majority from 1995 onward. It is a record of accomplishment that I think sets the standard for this body. And I appreciate the partnership that we have had, in particular Mr. MICA, who is the leader on the Republican side, and all of our colleagues on

the committee, the 200th bill or resolution. It is a good day, a good day for America, a good day for our committee.

Mr. LOBIONDO. Mr. Speaker, I am pleased to yield 5 minutes to my colleague from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the distinguished subcommittee Chair.

I rise today in support of this bill and not just because of the tragic cases that we have been discussing, but specifically, in support of a more obscure section in the bill that requires passenger vessels to be equipped with acoustic hailing devices. The Long Range Acoustical Devices, LRADS, are the next generation of nonlethal countermeasure devices. These acute, long-range acoustic hailing devices are important for both civilian and military vessels.

Following the suicide attack on the USS *Cole* while it was at port in Yemen in 2000, the United States Navy established a requirement for an acoustic hailing device. The intent of this AHD was to provide the Navy with a means to establish the intent of an approaching vessel at a distance such that defensive measures could be taken should the vessel not heed a warning.

These hailing devices are not only used as an identifier of intent but also can be used to repel possible attackers or to disperse unlawful mobs. An LRAD was used for this purpose for the first time in the United States in Pittsburgh during the time of the G-20 summit on September 24-25 of 2009.

Last week I had the opportunity to witness an LRAD in action. Ultra Electronics, a high-tech manufacturer near Columbia City, Indiana, demonstrated their acoustic device, the Hyperspike, both as a hailer and as a deterrent. The thumping pulsating sounds were impressive, and I now understand why the crowds were dispersed so quickly in Pittsburgh. I was also impressed with the range of the Hyperspike. It is capable of emitting crystal clear audible messages at distances of over 3 miles across the water.

This act is intended to improve the overall safety of cruise ship passengers. It not only improves capabilities to thwart external threats such as pirate attacks, but also to increase internal passenger safety through increased security measures.

It has been well publicized that pirate attacks on cargo vessels are continuing. As these vessels improve their security against such attacks, it is very likely that the pirates will look for other vulnerable targets, such as cruise ships. This legislation will provide these vessels with the capability to establish vessel intent earlier and escalate security measures to protect the ship, crew and passengers.

Mr. CUMMINGS. May I inquire as to how much time we have remaining?

The SPEAKER pro tempore. The gentleman from Maryland has 4½ minutes.

Mr. CUMMINGS. We have no additional speakers. I yield to the gentleman.

Mr. LOBIONDO. Mr. Speaker, I am pleased to support the legislation, congratulate the sponsor, thank Mr. OBERSTAR and Mr. CUMMINGS, and yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

I want to make it very clear, Mr. Speaker, that this was an effort of the victim groups and the cruise ship industry. As Chairman OBERSTAR said, there was a lot of work that went into this legislation with folks actually sitting down and coming up with reasonable and balanced solutions to these problems.

I want to thank all of the folks that did that. And I also take a moment to thank Mr. LOBIONDO and certainly Mr. MICA and definitely our chairman, Mr. OBERSTAR. This is one of those bipartisan efforts that has yielded a win-win-win, a win certainly for this Congress, a win for those people who find themselves taking a vacation on cruise ships, and certainly a win for law enforcement as they try to make sure that they address any kind of issues that may come up, and the industry. It's a win-win-win-win.

So I think that what we have done is approach this in a very balanced way, a very measured way, but a way which addresses all of the issues that we attempted to address. And certainly we thank Ms. Dishman and the other victims who have had difficult circumstances happen to them for bringing their testimony. As Chairman OBERSTAR said, this kind of testimony is very difficult for someone to present themselves, not only to the Congress but on C-SPAN and for the world to hear what they went through. But yet and still, the fact is that they sacrificed so that we can have this kind of legislation.

With that, I would urge our colleagues to vote for this legislation.

Mr. MITCHELL. Mr. Speaker, as a member of the House Committee on Transportation and Infrastructure, I rise today on behalf of H.R. 3360, the Cruise Vessel Security and Safety Act of 2009.

This is important legislation that will significantly improve the safety and security of cruise passengers.

A Senate version of this bill has earned committee approval earlier this year, and in October, the House overwhelmingly approved this measure by a bipartisan vote of 385-11, as part of the Coast Guard Reauthorization Act of 2010.

The bill will bring many of the same, commonsense security measures to cruise ships that a lot of us take for granted in major hotels—things like latches and peep holes for guest rooms and video surveillance to document criminal activity.

In addition, the bill will ensure that cruise ships are equipped to provide emergency assistance to victims of sexual assaults.

Finally, and perhaps most significantly, the bill will require that serious criminal incidents on board are reported to the proper authorities.

I want to thank Representative DORIS MATHS for her leadership on this legislation.

I also want to thank Kendall Carver, an Arizona whose tireless efforts on this issue have been truly incredible.

As many of you know, in 2004, Ken's daughter, Merrian, mysteriously and tragically disappeared aboard a cruise to Alaska. And, as the Arizona Republic recently reported, "Instead of reporting her absence, the ship's staffers packed up her belongings and cleaned up her cabin. They did nothing for five weeks and only filed a missing-persons report with the FBI after being questioned by a private detective."

This is not just wrong—it's beyond wrong. Cruise passengers deserve better. Their families deserve better.

That's why I want to encourage my colleagues to support this legislation.

Mr. CUMMINGS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 3360, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CUMMINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING COAST GUARD AND MARINE CORPS AIRCRAFT PILOTS LOST IN CALIFORNIA

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 891) expressing the gratitude of the House of Representatives for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 891

Whereas on the evening of October 29, 2009, a Coast Guard C-130 aircraft with two pilots and five crewmembers on board was involved in a search and rescue mission off the coast of California;

Whereas at the same time, a Marine Corps AH-1W Super Cobra carrying two pilots was involved in a military escort mission nearby;

Whereas the two aircraft are suspected to have collided while traveling east of San Clemente Island, California;

Whereas the following crew members of the Coast Guard C-130 are missing and presumed to have lost their lives in the line of duty: Lt. Cmdr. Che J. Barnes of Capay, California; Lt. Adam W. Bryant, of Crewe, Virginia; Chief Petty Officer John F. Seidman of Stockton, California; Petty Officer 2nd Class Carl P. Grigonis of Mayfield Heights, Ohio; Petty Officer 2nd Class Monica L. Beacham of Decaturville, Tennessee; Petty Officer 2nd Class Jason S. Moletzky of Norristown,

Pennsylvania; and Petty Officer 3rd Class Danny R. Kreder II, of Elm Mott, Texas;

Whereas the following crew members of the Marine Corps helicopter are missing and presumed to have lost their lives in the line of duty: Maj. Samuel Leigh of Kennebec, Maine, and 1st Lt. Thomas Claiborne of Douglas County, Colorado;

Whereas the men and women of the Coast Guard are "Always Ready" to safeguard the United States against all hazards and threats at our ports, at sea, and around the world; and

Whereas the men and women of the Marine Corps are "Always Faithful" to their mission of defending the United States on the ground, in the air, and by sea, in every corner of the globe: Now, therefore, be it

*Resolved*, That the House of Representatives expresses its gratitude for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009, and extends its condolences to their family, friends, and loved ones.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Res. 891.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H. Res. 891, as amended, a resolution expressing the gratitude of the House of Representatives for the service of the air crewmembers of Coast Guard aircraft 1705 and a Marine Corps AH-1 Super Cobra helicopter who were lost when these aircraft collided near San Clemente Island, California, on October 29 of this year.

On board the Coast Guard C-130 were seven Coast Guard members who were conducting a search-and-rescue mission at the time of the terrible accident. These crewmembers were Lieutenant Commander Che J. Barnes, a 17-year Coast Guard veteran who commanded Coast Guard 1705 and is survived by his father and three brothers, including a twin brother; Lieutenant Adam W. Bryant, the copilot of CG-1705 and a 2003 graduate of the Coast Guard Academy who is survived by his parents and brother; Chief Petty Officer John F. Seidman, the flight engineer who had served more than 20 years in the Coast Guard and is survived by his wife, parents and brother; Petty Officer 2nd Class Carl P. Grigonis, the CG-1705 navigator who was the father of a young son and whose wife is expecting a daughter; Petty Officer 2nd Class Monica L. Beacham, the flight's radio operator, who leaves a husband and a

young daughter to mourn; Petty Officer 2nd Class Jason S. Moletzsky, an air crewmember survived by his fiancée, parents and two sisters; and Petty Officer 3rd Class Danny R. Kreder, II, drop master, survived by his wife, parents and two brothers.

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On board the Marine Corps AH-1 Super Cobra were two pilots: Major Samuel Leigh, who had served two tours in Iraq and whose service in the Marine Corps maintained his family's long tradition of military service; and First Lieutenant Thomas Claiborne, a magna cum laude graduate of the University of Colorado.

These individuals dedicated their lives to serving the United States of America. They protected our Nation from the many threats we face, and they selflessly placed their lives in harm's way to aid those in distress. Their terrible loss is a reminder of the risks that the members of our Armed Forces face while conducting their many missions.

Our thoughts and our prayers are with the families of each of these servicemembers and with all the colleagues they have left behind in the United States Coast Guard and the Marine Corps. Our thoughts and prayers are also with all of the members of our Armed Forces who are serving our Nation now on the front lines in Iraq and Afghanistan and with the families of the thousands who have given their lives in defense of our great Nation's freedom on those two battlefields in each of our Nation's conflicts.

I commend Congresswoman SÁNCHEZ, the Chair of the Committee on Homeland Security's Subcommittee on Border, Maritime, and Global Counterterrorism, for her work on H. Res. 891. I urge its adoption by the House today, and I express my gratitude for the service of the members of the Coast Guard and Marine Corps recognized by this resolution.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 13, 2009.

Hon. JAMES L. OBERSTAR,  
Chairman, House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On November 5, 2009, the House Resolution 891, "Expressing the gratitude of the House of Representatives for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009, and for other purposes," was introduced in the House. As you know, this measure was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker.

Our Committee recognizes the importance of H. Res. 891 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H. Res. 891. I do so with the understanding that by waiving further consideration of the resolution, the Committee does not waive any fu-

ture jurisdictional claims over similar measures.

I would appreciate the inclusion of this letter and a copy of your response in the Congressional Record during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, November 13, 2009.

Hon. IKE SKELTON,  
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SKELTON: I write to you regarding H. Res. 891, expressing the gratitude of the House of Representatives for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009, and for other purposes.

I agree that provisions in H. Res. 891 are of jurisdictional interest to the Committee on Armed Services. I acknowledge that by foregoing further consideration, your Committee is not relinquishing its jurisdiction.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,  
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution, H. Res. 891, and thank the sponsor for the introduction. Our Nation suffered a tragic loss last month when seven coastguardsmen and two marines were killed when their military aircraft collided off the coast of California. These men and women died while performing critically important missions for our Nation.

Mr. Speaker, this is a very tragic reminder to the entire Nation of the sacrifices that our men and women are making for all the rest of us. They put their lives on the line each and every day. Some people think that only happens in the theater of war, but in reality it happens every day with every man and woman who is serving our Nation.

We join their families and their friends and their loved ones in mourning their passing and we pay tribute to the ultimate sacrifice they have made in service to our country, another reminder that as they put on the uniform, this is an all-volunteer Army, Navy, Air Force, and Coast Guard and Marines that serve our Nation so adequately and so well, putting the Nation first, putting the Nation before themselves. I can't imagine the loss the families must be feeling with what should have been just a routine mission.

The investigation into the cause of the accident has just begun, but I hope we will have the results soon and that we can take appropriate actions to ensure that our armed services have the

tools they need to prevent a similar tragedy from ever occurring again.

I will now reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the distinguished sponsor of this legislation, the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. I thank both chairmen. Thank you so much for allowing me to put forward this resolution and to pass it today on the House floor.

Mr. Chairman, as a member of both the Homeland Security Committee and the Armed Forces Committee here in the House of Representatives, I introduced this resolution on the 1-week anniversary of the tragic events that occurred off our coast of California. Let me remind you where this occurred was maybe, at the most, an hour's drive from where I live.

On Thursday, October 29, the Federal Aviation Administration reported that a Coast Guard C-130 plane and a Marine Corps AH-1W Cobra helicopter crashed off the coast while they were both conducting separate missions. We honor the nine men and women who lost their lives in that crash and we send our condolences to their families and their friends and their loved ones.

As the motto states, "Always Ready," the Coast Guard defends the shores of this great country daily, and we sometimes forget our unsung heroes. Tasked with multiple missions every day, the Coast Guard relies on its skills and the expertise of the personnel to stop drug runners, to perform search and rescue operations, and to secure our ports and our waterways.

It saddens me that we lost seven of these brave men and women last week while on duty as they were conducting a search and rescue effort. In addition, the two Marine Corps pilots that lost their lives fully lived their Corps motto of "Always Faithful." Their sacrifice while on a military training exercise off the coast of California echoes the sacrifice and the risk that all our men and women in uniform face in the armed services.

Both the Coast Guard and the Marine Corps serve globally and, let us not forget, locally to protect our communities and to provide humanitarian aid when it's necessary. We must not forget those sacrifices, their missions, and that at any time anything can go wrong. And we must always remember those that we have lost during their time of service.

I know the Coast Guard had a memorial service Friday in Sacramento which, unfortunately, I was unable to go to, but I felt that it was important to introduce this resolution at this time to honor those that died. These brave individuals fulfilled their commitment to serve and to defend the United States at any cost. Of course, they sacrificed and gave the biggest cost, so our eternal gratitude and respect go to them.

I urge my colleagues to join me in honoring these brave individuals by supporting this resolution.

Mr. LOBIONDO. Mr. Speaker, I am pleased to yield such time as he may consume to my colleague, the gentlewoman from California (Mr. HERGER).

Mr. HERGER. I thank the gentleman from New Jersey.

Mr. Speaker, I rise today to express my support for House Resolution 891, which honors the two marines and seven members of the Coast Guard who lost their lives during a rescue mission off the coast of California on October 29. We're grateful for their service and sacrifice and express our heartfelt condolences to all of their loved ones.

One of the fallen members of the Coast Guard was Che Barnes. Che grew up on a family farm in Capay Valley, northern California, located in my district that I represent. From an early age, Che was fascinated with planes. He worked hard to earn money to pay for flight lessons. He flew his first solo flight at the young age of 16. He joined the Coast Guard so that he could use his love of flying to rescue those stranded at sea.

It is tragic but fitting that he lost his life doing something he loved—flying in the Coast Guard and serving his Nation and fellow man. By all accounts, he was an excellent pilot and an even better person.

May God bless and comfort his family and friends.

Mr. CUMMINGS. I yield 5 minutes to the chairman of the committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman from Maryland again, the Chair of the Coast Guard Subcommittee, for his diligent work on this very tragic resolution. It is very important to pay recognition to those who lost their lives. I was very deeply touched by the remarks of the gentlewoman from California, the gentleman from New Jersey (Mr. LOBIONDO) and Chairman CUMMINGS.

These are courageous servicemen and -women, those in the U.S. Coast Guard, those in the U.S. Marine Corps, our oldest service unit, which predates the establishment of our own Nation. The Coast Guard itself was the third act of the first session of the first Congress by this committee, the Committee on Rivers and Harbors, that established the Revenue Cutter Service to collect duties on inbound cargoes and repay the debts of the Revolutionary War.

The Revenue Cutter Service later became the U.S. Coast Guard. That Coast Guard every year responds to over 60,000 calls for help, every year saves over 5,000 lives. It is tragic that in the course of their search and rescue service that Coast Guard men and women should have lost their lives.

Now there is an investigation underway by the Navy and the Coast Guard jointly inquiring into the causes of this tragedy, hopefully for the purpose of unraveling that collision, but also to

learn lessons to avoid such incidents in the future. This incident occurred in military-controlled airspace, airspace controlled by the U.S. Navy from an onshore facility at San Diego.

The Coast Guard's C-130 had a data recorder on board. Search is underway to hopefully locate that data recorder and gain useful information about the circumstances under which the collision occurred. It was at twilight, it was at dusk. Very hard to distinguish and effectively operate under the rules of see and avoid. But there must be more at stake here. That C-130 was loaded with electronic equipment for detection of vessels or persons in the water, and one has to assume it had equipment to detect proximity of another aircraft.

We have to unravel those facts and understand what occurred in order to avoid such circumstances in the future and engage the necessary training for personnel or install on board both helicopters and C-130-type aircraft traffic collision avoidance systems, which the Navy initiated 40 years ago and which is now aboard all commercial airliners.

Unfortunately, the National Transportation Safety Board, at least at the outset, will not be engaged in the investigation. I'm of the view that the NTSB should be a partner in any such investigations of military aircraft in U.S. territorial airspace. That is a matter for another time, but as we pay tribute to and acknowledge those who gave their lives in service of this country in pursuance of their mission, I think it's important to recall that there is more we can and must do to improve safety in the domestic airspace, including safety under the control of our military units.

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There will be further attention paid to this issue. We will pursue the safety issues engaged in this tragedy. But for the moment, we must mourn the loss of those crew members whom Mr. CUMMINGS already noted in his remarks.

Mr. LOBIONDO. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank my friend from New Jersey for yielding, and I commend the gentlelady from California for having introduced this very significant resolution.

Mr. Speaker, I would like to take a moment or two to express our condolences to the families, friends and members of our Armed Forces associated with the crew of the Coast Guard C-130 and the Marine Corps AH-1W Super Cobra who collided on October 29, 2009, off the California coast.

Mr. Speaker, it's difficult to lose servicemembers under any circumstances, and this accident is no exception. The seven members of the Coast Guard C-130 crew were in the midst of a search-and-rescue mission while the Marine Corps Super Cobra

was involved in a military escort mission. These servicemembers were answering the call of duty to protect and serve others and paid the ultimate sacrifice. As a former Coast Guardsman and a Member of Congress, I believe it is appropriate to recognize their service and honor their lives. This resolution is a significant gesture of expression to show our gratitude for their service and sacrifice.

Mr. CUMMINGS. Madam Speaker, we have no other speakers, so I will continue to reserve the balance of my time.

Mr. LoBIONDO. Once again, Madam Speaker, we join with the Nation in our thoughts and prayers for the families and for those who have lost their lives in honoring all those who serve. I urge all of my colleagues to support the resolution.

I yield back the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself as much time as I may consume.

Once again, I urge all of our Members to vote in favor of this very, very important resolution. And I will say to the families of these service persons that they are in our prayers. We thank all of our personnel for what they do every day, so often putting their lives on the line so that we might enjoy the freedoms that we do enjoy.

Mr. RICHARDSON. Madam Speaker, I rise today in strong support of H. Res. 891 which recognizes and honors the Coast Guard and Marine Corps aircraft pilots and crewmembers who lost their lives off the coast of Southern California on October 29, 2009.

Let me take a moment to commend Congresswoman LORETTA SANCHEZ, who hails from my home state of California, for her leadership in bringing this resolution to the floor and giving us the opportunity both to mourn our loss of these individuals and to thank the Coast Guard and the Marine Corps for their brave service to this country.

I was truly devastated when I heard the news on October 29, 2009, of a collision between a Coast Guard transport plane and a Marine Corps helicopter off the coast of Southern California, not far from my district. At the same time, I was deeply grateful for those members of the Coast Guard and the Navy who immediately went out and conducted an intense search and rescue mission to locate any possible survivors of the crash.

We are indebted to the men and women who dedicate their lives to the Coast Guard and the Marine Corps. Even in the face of a tragedy such as this one, one that affects members of their own community, these brave men and women are ready and willing to serve their country in whatever way necessary. I support this resolution and urge my colleagues to do the same.

Mr. ISSA. Madam Speaker, today the House of Representatives recognizes the service and sacrifice of the members of the United States Coast Guard and the United States Marine Corps who were tragically killed during exercises off the coast of California three weeks ago.

On October 29, 2009, a Coast Guard C-130 plane and a Marine AH-1 Cobra helicopter collided off the coast of Southern California.

The Marine pilots were conducting training about 15 miles off San Clemente Island when they collided with the U.S. Coast Guard plane, which was based out of the Coast Guard Air Station in Sacramento, CA.

These brave Marines and Coast Guardsmen dedicated their lives to protecting our freedom and safety. Such tragedies are a reminder of the dangers all men and women of our armed forces face, whether they are stationed in Afghanistan, California, or anywhere else in the world.

H. Res. 891 offers Members of the House of Representatives an appropriate opportunity to express our thoughts and prayers to families and friends of these service members. Our hearts are with them during this difficult period.

Mr. CUMMINGS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. CHU). The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 891, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### H. DALE COOK FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3305) to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the "H. Dale Cook Federal Building and United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3305

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, shall be known and designated as the "H. Dale Cook Federal Building and United States Courthouse".

##### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "H. Dale Cook Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3305.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3305, a bipartisan bill supported by the entire Oklahoma delegation that would designate the United States courthouse at 224 South Boulder Avenue in Tulsa, Oklahoma, as the H. Dale Cook Federal Building United States Courthouse.

H. Dale Cook was a veteran of World War II who served as a flight instructor. After the war, he studied law at the University of Oklahoma and then embarked on a long legal career in electoral politics. After being twice elected the chief prosecuting attorney in his county, he went on to serve as assistant U.S. attorney. He subsequently alternated between government service and private practice for several years before being nominated to the Federal judiciary by President Gerald Ford in 1974. Judge Cook served as a district court judge for some 34 years until his death on September 23, 2008.

Judge Cook was an honorable and well-respected civil servant and had a long and distinguished record of public service. The designation of the United States courthouse at 224 South Boulder Avenue in Tulsa, Oklahoma, in his honor is a fitting memorial to his service, and I urge the House to adopt H.R. 3305.

With that, Madam Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, at this time I would like to recognize the impassioned advocate and the sponsor of this legislation for 5 minutes, the gentleman from Oklahoma (Mr. SULLIVAN), who has been pushing for this resolution.

Mr. SULLIVAN. Madam Speaker, it is with great pleasure that I rise today to honor Judge H. Dale Cook. Judge Cook was a World War II veteran who spent nearly 50 years in public service and more than 33 years as a United States district judge in Oklahoma. Judge Cook began his career in public service in 1951 when he was elected county attorney for Logan County and Guthrie. He would hold several other positions in public service in Oklahoma, including first assistant U.S. attorney, chief trial attorney and legal counsel and adviser to Governor Henry Bellmon.

In the early 1970s, Judge Cook worked in Washington, D.C., for the Social Security Administration until beginning his career as a Federal judge in 1974 when he was sworn in as U.S. district judge in the Northern, Eastern and Western Districts of Oklahoma.

Five years later in 1979, Judge Cook became chief judge of the Northern District of Oklahoma and served in that capacity for 13 years.

In 1992, Judge Cook took senior status to enable the appointment of an additional judge to the Northern District. As a senior judge, he continued to be active and carried a full court docket for the next 12 years until a few months before his death on September 22, 2008.

Judge Cook was adamantly committed to his belief that politics should play no role in the dispensing of justice and demonstrated that belief in his judicial rulings and the administration of his responsibilities as chief judge. He was a man of fairness and integrity who opened each court session with "God bless the United States and save this honorable court."

Judge Cook's greatest legacy may be the restoration and the reopening of the original Federal courthouse in Tulsa, Oklahoma. When the Federal courts were moved to another building about 45 years ago, the old Federal building sat largely unused. Judge Cook saw this building as a solution when there became a need for additional court space. He spearheaded the effort to restore it to its original splendor. Judge Cook used his powers of persuasion and his influence as chief judge of the Northern District to insist on conforming the courthouse to its original design and decorum. Without his involvement, the building would have never been used for its current purpose, and the beauty of a lost era would not be visible as it is today in Tulsa, Oklahoma.

By his direct efforts, the building is now included in the National Register of Historic Places and is currently used for the courtrooms, judicial chambers, the bankruptcy court and affiliated Federal offices of the Northern District of Oklahoma. Due to the vision and hard work of Judge Cook, the building is now being used for its original purpose, as a Federal judicial courthouse.

Preserving the beauty of a lost era as a Federal judge, he conducted his duties in a nonpartisan manner. It is my hope that the naming of this Federal building will be an equally bipartisan effort to honor this exceptional man for his exemplary career in public service and bringing the Federal courthouse back to its original grandeur.

I urge the adoption of H.R. 3305.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 3305, a bill introduced by the gentleman from Oklahoma (Mr. SULLIVAN), which designates the United States courthouse at 224 South Boulder Avenue in Tulsa, Oklahoma, as the "H. Dale Cook Federal Building and United States Courthouse."

Judge Cook was a well respected jurist who served as a Federal judge for well over 30 years. Judge Cook served as a lieutenant in the U.S. Army Air Corps during World War II and later as member of the U.S. Air Force Reserve. During his long legal career, Judge Cook served as an attorney in private practice, chief prosecuting attorney in his county, as an

assistant U.S. attorney, counsel to the Governor of Oklahoma, and finally as a member of the Federal judiciary.

Judge Cook was nominated to the Federal judiciary by President Gerald Ford in 1974. He initially served as a visiting Federal judge with a seat on the bench of each of Oklahoma's Federal judicial districts. Judge Cook later became Chief Judge of the Northern District in 1979 and served in that position until 1992. In addition, Judge Cook sat several times by designation with the U.S. Court of Appeals for the Tenth Circuit.

Judge Cook succumbed to cancer just over a year ago, on September 23, 2008. He continued to hear cases on the Federal bench until only a few months before he passed away. Judge Cook was held in high esteem by his peers and served with distinction as a Federal judge. It is both proper and fitting to honor his civic contributions with this designation.

I urge my colleagues to join me in supporting H.R. 3305.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, at this time, I yield back the balance of my time.

Mr. CUMMINGS. Madam Speaker, I urge the Members to vote in favor of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 3305.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### RESERVE OFFICERS ASSOCIATION MODERNIZATION ACT OF 2009

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1599) to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1599

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Reserve Officers Association Modernization Act of 2009".

#### SEC. 2. INCLUSION OF NEW LEADERSHIP POSITIONS IN THE FEDERAL CHARTER OF THE RESERVE OFFICERS ASSOCIATION.

(a) NATIONAL EXECUTIVE COMMITTEE.—Section 190104(b)(2) of title 36, United States Code, is amended—

(1) by inserting "the president elect," after "the president,";

(2) by inserting "a minimum of" before "3 national executive committee members,"; and

(3) by striking "except the executive director," and inserting "except the president elect and the executive director,".

(b) OFFICERS.—Section 190104(c) of such title is amended—

(1) in paragraph (1)—

(A) by inserting "a president elect," after "a president,";

(B) by inserting "a minimum of" before "3 national executive committee members,";

(C) by striking "a surgeon, a chaplain, a historian, a public relations officer,"; and

(D) by striking "as decided at the national convention" and inserting "specified in the constitution of the corporation"; and

(2) in paragraph (2)—

(A) by inserting "and take office" after "be elected"; and

(B) by striking "and the national public relations officer," and inserting "the judge advocate, and any other national officers specified in the constitution of the corporation,".

(c) VACANCIES.—Section 190104(d)(1) of such title is amended by striking "president and last past president," and inserting "president, president elect, and last past president,".

(d) RECORDS AND INSPECTION.—Section 190109(a)(2) of such title is amended by striking "national council;" and inserting "other national entities of the corporation;".

The SPEAKER pro tempore (Mr. CUMMINGS). Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. CHU. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, S. 1599 amends the nearly 60-year-old Federal charter of the Reserve Officers Association to reflect simple changes that have already been made to the organization's structure. The Reserve Officers Association was founded in 1922 and received a Federal charter by Congress in 1950.

As Congress observed at the time, the purpose of the corporation is to support and promote the development and execution of a military policy for the United States that will provide adequate national security. The ROA represents the Reserve Components officers for the Army, Air Force, Navy, Marine Corps, Coast Guard, the Air and Army National Guard, Public Health Service and the officers of the National Oceanic and Atmospheric Administration.

This bill makes a number of technical changes to the ROA's Federal charter. For instance, the charter will now include the newly created position of president-elect and there would be more positions on the ROA's National Executive Committee. S. 1599 was introduced by Senators LEAHY, CHAMBLISS and PRYOR and passed the Senate in September. Identical legislation was introduced in the House by Representative HOWARD COBLE, my colleague on the Judiciary Committee, and Representatives CARNEY and GARY G. MILLER.

I commend the House sponsors as well as Chairman CONYERS and Ranking Member SMITH for their leadership

in moving this bill swiftly to the floor. It is important to point out that this bill does not run afoul of the Immigration Subcommittee's policy to not create any new Federal charters. Rather than create a new Federal charter, it merely amends a nearly 60-year-old existing charter.

This policy against new charters was first adopted by the subcommittee of jurisdiction 20 years ago in the 101st Congress and has strong bipartisan support. It is based on the considered judgment that a congressional charter is unnecessary to the operation of any charitable organization and may falsely imply to the public that an organization and its activities carry a congressional seal of approval.

Moreover, this policy reflects the subcommittee's judgment that the investigation and monitoring of a chartered organization takes congressional time and resources that are better spent on important policy and oversight efforts. That we are taking up this body's valuable time today to ratify simple changes to the ROA's leadership structure is evidence in itself that Congress should not be increasing the number of chartered organizations.

□ 1415

That having been said, because S. 1599 makes only technical amendments to an existing charter and does nothing to create a new charter, I support this legislation.

I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

The gentlelady from California (Ms. CHU) pretty well touched very thoroughly on this subject matter, and I'll add somewhat to that. I rise in strong support of S. 1599. The Reserve Officers Association is well known and respected in Washington, D.C. It was founded in 1922 by General "Black Jack" Pershing with a mission to "support and promote the development and execution of a military policy for the United States that will provide adequate national defense."

The Reserve Officers Association has as its goal to ensure adequate resources for the National Guard and the various reserve components and ensure that these entities play a key role in the national defense. The Association also is dedicated to the support of the interests of our citizen soldiers, their families and their survivors. Membership is open to all federally commissioned military officers and warrant officers and their spouses. There are currently about 65,000 members.

The Reserve Officers Association received a Federal charter in 1950. The Association would like to modify its charter to reflect technical changes made to its Constitution and bylaws, such as the addition of the position of "president elect" and the allowance for more than three executive committee members. That is what this legislation accomplishes. The Senate passed the bill in September by unanimous con-

sent, and I've introduced a companion House version in this body.

I urge my colleagues to support this meritorious legislation, which will allow the Reserve Officers Association to continue to play a vital role here in Washington.

Mr. Speaker, I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. I have one speaker remaining, Mr. Speaker. I yield to the distinguished gentleman from California (Mr. GARY G. MILLER) such time as he may consume.

Mr. GARY G. MILLER of California. Mr. Speaker, I want to thank Chairman CONYERS and Ranking Member SMITH for allowing S. 1599 to come to the floor today. I want to also thank my colleague, HOWARD COBLE, who just previously spoke before me, a retired U.S. Coast Guard captain, and CHRIS CARNEY, an active reservist Navy commander, for introducing the House companion bill. I also wish to thank the committee staff for working so diligently behind the scenes to bring the bill to the floor today.

Founded in 1922, then chartered by Congress in 1950, the Reserve Officers Association's mission is to "support and promote development and execution of a military policy for the United States that will provide adequate national security." ROA is a first-class, member-oriented association which provides the men and women who serve our Nation in the cause of freedom a voice in creating government policy.

ROA has a long list of policy accomplishments and an ambitious long-range program for the coming decade and beyond. Today ROA is still proudly serving our Nation's soldiers, sailors, airmen, and Marines in so many ways. This legislation, once enacted into law, will allow ROA to make the necessary technical changes within its organization to stay effective as an association.

In 2010, ROA will be celebrating its 60th year as a congressionally chartered organization. I wish them continued success and thank them for their service to our country.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. CHU. I urge my colleagues to support S. 1599, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, S. 1599.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. COBLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## HONORING 40TH ANNIVERSARY OF SEARCH

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 851) recognizing and honoring the 40th anniversary of SEARCH, The National Consortium for Justice Information and Statistics, headquartered in Sacramento, California.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 851

Whereas the Department of Justice's Law Enforcement Assistance Administration created SEARCH in 1969 as a 10-State project to demonstrate whether it was feasible to exchange criminal history records on an automated and nationwide basis;

Whereas SEARCH not only demonstrated the feasibility of an automated nationwide system of sharing criminal records, but also, through partnership with the Department of Justice, the Federal Bureau of Investigation, State agencies and other organizations, helped to establish the national criminal history record information system;

Whereas SEARCH is a nonprofit organization created by and for the States, governed by a Membership Group comprised of one gubernatorial appointee from each of the States and territories;

Whereas SEARCH's guiding vision is to ensure "Accurate and timely information, supported by well-deployed information and identification technology, enables the justice and public safety decision-maker to administer justice in a manner that promotes individual rights and public safety";

Whereas SEARCH provides training and technical assistance to help the criminal justice community combat high-technology crimes, gather valuable information in investigations, and link the Nation's law enforcement agencies through policy and technical solutions;

Whereas SEARCH helps agencies effectively implement information sharing technology to make accurate, more informed, immediate, and appropriately secured decisions about criminal justice and security issues, and to administer justice in an efficient and effective manner;

Whereas SEARCH has pioneered the development of both technology and policy solutions for justice implementation of biometric technologies, thereby enabling electronic fingerprints to become a rapid, reliable, and cost-effective identification authentication process and further supporting information sharing and collaboration among and between agencies;

Whereas SEARCH has made a profound contribution, working with the Department of Justice, to develop successive generations of privacy and security policies that are now reflected in both Department of Justice regulations and Federal legislation;

Whereas SEARCH has played a critical role in the development of systems such as the Interstate Identification Index (III), the National Instant Criminal Background Check System (NICS), commonly called the Brady check system, the National Fingerprint File (NFF), the Integrated Automated Fingerprint Identification System (IAFIS), and key standards for information sharing and interoperability, such as the National Information Exchange Model (NIEM);

Whereas SEARCH's work with the Departments of Justice and Homeland Security helps the Nation's justice and public safety communities plan, develop, implement, test,

and manage interoperable communications solutions; and

Whereas SEARCH has had many accomplishments over its 40-year history to help practitioners in criminal justice, public safety, and first response use information to plan for, predict, prevent, and interdict criminal events, terrorism, and disasters: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes and honors SEARCH, The National Consortium for Justice Information and Statistics, on the occasion of its 40th anniversary for accomplishments to promote information sharing and identification solutions for first responders and law enforcement officers, and for the protection of privacy and citizens' rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 851 recognizes SEARCH, the National Consortium For Justice Information and Statistics' 40th anniversary. SEARCH is a nonprofit membership organization dedicated to improving the criminal justice system through better information management and effective application of information and identification technology. SEARCH members are primarily State criminal justice officials responsible for the management of criminal justice information, particularly criminal history information.

SEARCH was founded in 1969 when the Federal Law Enforcement Assistance Administration created Project SEARCH to explore the feasibility, practicality, and cost effectiveness of developing a computerized criminal history record system. Since its founding, SEARCH has sought to balance the individual's right to privacy with society's need for criminal history information. In 1970, for example, SEARCH first published findings and recommendations regarding the security, privacy and confidentiality of information contained in computerized criminal history files. SEARCH has a long history of involvement with criminal background checks, and has been invaluable to the formulation of national and State policies that guide the scope and use of criminal records.

In 2005, SEARCH published the report of the National Task Force on the Commercial Sale of Criminal Justice Record Information. This report was a comprehensive look at the role that commercial background screening companies play in the collection, main-

tenance, sale, and dissemination of criminal history record information for employment screening and other purposes. SEARCH concluded the work of the National Task Force on the Criminal Backgrounding of America in 2006. This task force report was relied upon by the Department of Justice for its own report on criminal history background checks.

SEARCH has played a critical role in the development of systems such as the Interstate Identification Index, the National Instant Criminal Background Check System, also known as the Brady check system, the National Fingerprint File and the Integrated Automated Fingerprint Identification System. Over its 40-year history, SEARCH's work has helped criminal justice, public safety and first-response professionals use information to combat crimes, acts of terrorism and disasters.

For all these reasons, I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in a post-9/11 world, we understand the importance of technology- and information-sharing between law enforcement agencies in keeping this country safe. That is why I support H. Res. 851, which recognizes and honors the 40th anniversary of SEARCH, the National Consortium for Justice Information and Statistics.

SEARCH was created by the Department of Justice's Law Enforcement Assistance Administration in 1969 as a 10-State project. Members of the nonprofit organization are primarily state-level justice officials appointed by the respective State governors. The group's original goal was to see whether it was possible to exchange and share criminal history records on an automated and nationwide basis. SEARCH not only succeeded in demonstrating the possibility of such an information-sharing program, but also, through partnership with the Department of Justice, the Federal Bureau of Investigation, State agencies and other organizations helped to establish the national criminal history record information system.

Specifically, SEARCH has played a major part in developing programs such as biometric technologies like electronic fingerprinting, the Interstate Identification Index, National Instant Criminal Background Check System, National Fingerprint File, the Integrated Automated Fingerprint Identification System, and the National Information Exchange Model. SEARCH also provides training and technical assistance to law enforcement agencies when dealing with high-technology crimes and information gathering.

Through these various technologies, SEARCH has helped agencies do their jobs in a more thorough manner. Offenders often have criminal histories that cross state jurisdictional lines.

Law enforcement officials having quick access to a suspect's complete history means less missing pieces of the puzzle. And through these technologies, SEARCH has also helped agencies to do their jobs in a more time- and resource-efficient manner. This increase in efficiency and decrease in time wasted has proved critical in helping our law enforcement agencies keep America safe.

I support this resolution.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield 4 minutes to the sponsor of this resolution, the gentlelady from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I rise in support of House Resolution 851, which would recognize and honor the 40th anniversary of SEARCH, the National Consortium For Justice Information and Statistics, an organization that's headquartered in my hometown of Sacramento. For the last 40 years, SEARCH has been dedicated to administering justice and enhancing public safety, and has been involved in numerous facets of our criminal justice system.

In 1969, SEARCH was established as a 10-state pilot project by the United States Department of Justice to investigate the feasibility of exchanging criminal history records on an automated and nationwide basis. Using the information gathered from this demonstration project and utilizing its partnership with the department, the FBI, and various state agencies and organizations, SEARCH helped create the national criminal history record information system. This framework has enabled State and local governments to collect, maintain and disseminate valuable criminal justice information.

Today, SEARCH continues to provide law enforcement with the necessary tools to combat high-technology crimes. Specifically, the organization partners with the justice and public safety communities to provide quality training programs and hands-on assistance, and ensure that law enforcement agencies are well equipped to gather key intelligence to effectively protect, investigate and respond to such criminal actions.

For example, SEARCH recently assisted local authorities in northern California to apprehend a band of criminals after a reported crime. By employing cyber technology to track cell phone usage and location faster than ever before, these innovative tools help prevent further crimes from occurring.

Time and time again, Mr. Speaker, SEARCH has not only demonstrated its effectiveness in helping solve crimes that have already been committed but has also helped reduce the number of crimes being perpetrated in our neighborhoods. Its unwavering commitment to ensuring our safety and the safety of our children is truly impressive, and I commend the organization's tireless efforts toward this goal.

□ 1430

SEARCH employs 29 professional staff in my district and has representatives in every State across this country.

I ask that my colleagues join me today in celebrating the 40th anniversary of the National Consortium for Justice Information and Statistics and in honoring its incredible contributions to our criminal justice system.

Mr. COBLE. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I urge my colleagues to support House Resolution 851, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 851.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H.R. 3360, by the yeas and nays;

H. Res. 841, by the yeas and nays;

The Speaker's approval of the Journal, de novo;

H. Res. 891, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CRUISE VESSEL SECURITY AND SAFETY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3360, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 3360, as amended.

The vote was taken by electronic device, and there were—yeas 416, nays 4, not voting 14, as follows:

[Roll No. 892]  
YEAS—416

Abercrombie	Austria	Bean
Ackerman	Baca	Becerra
Aderholt	Bachmann	Berkley
Adler (NJ)	Bachus	Berman
Akin	Baird	Berry
Alexander	Baldwin	Biggert
Altmire	Barrow	Bilbray
Andrews	Bartlett	Bilirakis
Arcuri	Barton (TX)	Bishop (GA)

Bishop (NY)	Fortenberry	Lofgren, Zoe
Bishop (UT)	Foster	Lowey
Blackburn	Foxx	Lucas
Blumenauer	Frank (MA)	Luetkemeyer
Blunt	Franks (AZ)	Lujan
Bocciari	Frelinghuysen	Lungren, Daniel
Boehner	Fudge	E.
Bonner	Gallegly	Lynch
Bono Mack	Garamendi	Mack
Boozman	Garrett (NJ)	Maffei
Boren	Gerlach	Maloney
Boswell	Giffords	Manzullo
Boucher	Gingrey (GA)	Marchant
Boustany	Gohmert	Markey (CO)
Boyd	Gonzalez	Markey (MA)
Brady (PA)	Goodlatte	Marshall
Brady (TX)	Gordon (TN)	Massa
Braleigh (IA)	Granger	Matheson
Bright	Graves	Matsui
Brown, Corrine	Grayson	McCarthy (CA)
Brown-Waite,	Green, Al	McCarthy (NY)
Ginny	Green, Gene	McCaul
Buchanan	Griffith	McClintock
Burgess	Grijalva	McCollum
Burton (IN)	Guthrie	McCotter
Butterfield	Gutierrez	McDermott
Buyer	Hall (NY)	McGovern
Calvert	Hall (TX)	McHenry
Camp	Halvorson	McIntyre
Campbell	Hare	McKeon
Cantor	Harman	McMahon
Capito	Harper	McMorris
Capps	Hastings (FL)	Rodgers
Cardoza	Hastings (WA)	McNerney
Carnahan	Heller	Meek (FL)
Carney	Hensarling	Meeke (NY)
Carson (IN)	Herger	Melancon
Carter	Herseht Sandlin	Mica
Cassidy	Higgins	Michaud
Castle	Hill	Miller (FL)
Castor (FL)	Himes	Miller (MI)
Chaffetz	Hinchee	Miller (NC)
Chandler	Hinojosa	Miller, Gary
Childers	Hirono	Miller, George
Chu	Hodes	Minnick
Clarke	Hoekstra	Mitchell
Clay	Holden	Mollohan
Cleaver	Holt	Moore (KS)
Clyburn	Honda	Moore (WI)
Coble	Hoyer	Moran (KS)
Coffman (CO)	Hunter	Moran (VA)
Cohen	Inglis	Murphy (CT)
Cole	Inslee	Murphy (NY)
Conaway	Israel	Murphy, Patrick
Connolly (VA)	Issa	Murphy, Tim
Conyers	Jackson (IL)	Murtha
Cooper	Jenkins	Myrick
Costa	Johnson (GA)	Nadler (NY)
Costello	Johnson (IL)	Nadler (WI)
Courtney	Johnson, E. B.	Neal (MA)
Crenshaw	Johnson, Sam	Neugebauer
Crowley	Jones	Nunes
Cuellar	Jordan (OH)	Nye
Culberson	Kagen	Oberstar
Cummings	Kanjorski	Obey
Dahlkemper	Kaptur	Olson
Davis (CA)	Kennedy	Olver
Davis (KY)	Kildee	Ortiz
Davis (TN)	Kilpatrick (MI)	Owens
DeFazio	Kilroy	Pallone
DeGette	Kind	Pascarell
DeLauro	King (IA)	Pastor (AZ)
Dent	King (NY)	Paulsen
Diaz-Balart, L.	Kingston	Payne
Diaz-Balart, M.	Kirk	Pence
Dicks	Kirkpatrick (AZ)	Perlmutter
Dingell	Kissell	Perriello
Doggett	Klein (FL)	Peters
Donnelly (IN)	Kline (MN)	Peterson
Doyle	Kosmas	Petri
Dreier	Kratovil	Pitts
Driehaus	Kucinich	Platts
Duncan	Lamborn	Poe (TX)
Edwards (MD)	Lance	Polis (CO)
Edwards (TX)	Langevin	Pomeroy
Ehlers	Larsen (WA)	Posey
Ellison	Larson (CT)	Price (GA)
Ellsworth	Latham	Price (NC)
Emerson	LaTourette	Putnam
Engel	Latta	Quigley
Eshoo	Lee (CA)	Radanovich
Etheridge	Lee (NY)	Rahall
Fallin	Levin	Rangel
Farr	Lewis (CA)	Rehberg
Fattah	Linder	Reichert
Finer	Lipinski	Reyes
Fleming	LoBiondo	Richardson
Forbes	Loeb	Rodriguez
	Sack	Roe (TN)

Rogers (AL)	Shadegg	Titus
Rogers (KY)	Shea-Porter	Tonko
Rogers (MI)	Sherman	Towns
Rooney	Shimkus	Tsongas
Ros-Lehtinen	Shuler	Turner
Roskam	Shuster	Upton
Ross	Simpson	Van Hollen
Rothman (NJ)	Sires	Velázquez
Roybal-Allard	Skelton	Visclosky
Royce	Slaughter	Walden
Ruppersberger	Smith (NE)	Walz
Rush	Smith (NJ)	Wamp
Ryan (OH)	Smith (TX)	Wasserman
Ryan (WI)	Smith (WA)	Schultz
Salazar	Snyder	Waters
Sánchez, Linda	Souder	Watson
T.	Space	Watt
Sanchez, Loretta	Speier	Waxman
Sarbanes	Spratt	Weiner
Scalise	Stark	Welch
Schakowsky	Stearns	Westmoreland
Schauer	Stupak	Wexler
Schiff	Sullivan	Whitfield
Schmidt	Sutton	Wilson (OH)
Schock	Taylor	Wilson (SC)
Schrader	Teague	Wittman
Schwartz	Terry	Wolf
Scott (GA)	Thompson (CA)	Woolsey
Scott (VA)	Thompson (MS)	Wu
Sensenbrenner	Thompson (PA)	Yarmuth
Serrano	Thornberry	Young (AK)
Sessions	Tiberi	
Sestak	Tierney	

NAYS—4

Broun (GA)	Lummis
Flake	Paul

NOT VOTING—14

Barrett (SC)	Deal (GA)	Pingree (ME)
Brown (SC)	Delahunt	Rohrabacher
Capuano	Jackson-Lee	Tanner
Davis (AL)	(TX)	Tiahrt
Davis (IL)	Lewis (GA)	Young (FL)

□ 1458

Mr. CONAWAY changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DRIVE SAFER SUNDAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 841, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 841.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 20, as follows:

[Roll No. 893]

YEAS—413

Abercrombie	Bachus	Bilirakis
Ackerman	Baird	Bishop (GA)
Aderholt	Baldwin	Bishop (NY)
Adler (NJ)	Barrow	Bishop (UT)
Akin	Bartlett	Blackburn
Alexander	Barton (TX)	Blumenauer
Altmire	Bean	Blunt
Andrews	Becerra	Bocciari
Arcuri	Berkley	Boehner
Austria	Berry	Bonner
Baca	Biggert	Bono Mack
Bachmann	Bilbray	Boozman

Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown, Corrine  
Brown-Waite,  
    Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleave  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi

Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
    Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
    E.  
Lynch  
Mack

Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Mateson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
    Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Olson  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger

Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
    T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadeg  
Shea-Porter  
Sherman  
Shimkus  
Shulker  
Shuster  
Simpson

Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tierney  
Titus  
Tonko  
Towns  
Tsongas

Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
    Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)

Abercrombie  
Ackerman  
Adler (NJ)  
Andrews  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocieri  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capito  
Capps  
Carnahan  
Carson (IN)  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Chu  
Clarke  
Clay  
Cleave  
Clyburn  
Cohen  
Conyers  
Cooper  
Costello  
Courtney  
Crowley  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Dent  
Dicks  
Dingell  
Doggett  
Doyle  
Dreier  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Gerlach  
Gonzalez  
Goodlatte  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman

[Roll No. 894]  
AYES—243  
Harper  
Hastings (FL)  
Heinrich  
Heller  
Herseht Sandlin  
Higgins  
Hill  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirk  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
Lee (CA)  
Levin  
Lewis (GA)  
Loeb sack  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maffei  
Maloney  
Markey (MA)  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Olson  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger

Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Perlmutter  
Perriello  
Peters  
Pitts  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Rooney  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
    T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Sutton  
Teague  
Thompson (MS)  
Tiberi  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Wasserman  
    Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

## NAYS—1

Paul  
NOT VOTING—20

Barrett (SC)  
Berman  
Brown (SC)  
Capuano  
Cardoza  
Davis (AL)  
Davis (IL)  
Deal (GA)  
Delahunt  
Jackson-Lee  
    (TX)  
Larson (CT)  
Lewis (CA)  
Obey

Olver  
Pingree (ME)  
Rohrabacher  
Tanner  
Tiahrt  
Tiberi  
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

## □ 1505

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIBERI. Mr. Speaker, on rollcall No. 893, I was meeting with a constituent here in the Capitol but was not able to make it back to the floor to cast a vote before time expired. Had I been present, I would have voted "yea."

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. CULBERSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 177, answered "present" 1, not voting 13, as follows:

Aderholt  
Akin  
Alexander  
Altmire  
Arcuri  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggert  
Bilbray

## NOES—177

Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown-Waite,  
    Ginny  
Buchanan  
Boehner  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao

Cardoza  
Carney  
Carter  
Cassidy  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Costa  
Crenshaw  
Cuellar  
Culberson  
Davis (KY)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly (IN)  
Duncan  
Ehlers  
Ellsworth  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Giffords  
Gingrey (GA)  
Gordon (TN)  
Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Hastings (WA)  
Hensarling  
Herger  
Himes  
Hoekstra  
Hunter  
Inglis  
Issa

Jenkins  
Johnson, Sam  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirkpatrick (AZ)  
Kline (MN)  
Kratovil  
Lamborn  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
Lipinski  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Markey (CO)  
Marshall  
McCarthy (CA)  
McCaul  
McCotter  
McKeon  
McMorris  
Rodgers  
Melancon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Moran (KS)  
Murphy (NY)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Nye  
Olson

Pence  
Peterson  
Petri  
Platts  
Poe (TX)  
Price (GA)  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Stupak  
Sullivan  
Taylor  
Terry  
Thompson (CA)  
Thompson (PA)  
Thornberry  
Titus  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)

ANSWERED "PRESENT"—1

Gohmert

NOT VOTING—13

Barrett (SC)  
Brown (SC)  
Capuano  
Davis (AL)  
Davis (IL)

Deal (GA)  
Delahunt  
Jackson-Lee  
(TX)  
Pingree (ME)

Rohrabacher  
Tanner  
Tiahrt  
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1513

Mr. LAMBORN changed his vote from "aye" to "no."

So the Journal was approved.

The result of the vote was announced as above recorded.

HONORING COAST GUARD AND MARINE CORPS AIRCRAFT PILOTS LOST IN CALIFORNIA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 891, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 891, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 895]

YEAS—419

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Dent  
Baca  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Barrow  
Doyle  
Dreier  
Driehaus  
Duncan  
Berkley  
Edwards (MD)  
Edwards (TX)  
Berry  
Ellison  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocchieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar

Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Kingston  
Doyle  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeback  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herse  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchee  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Issa  
Jackson (IL)  
Jenkins  
Johnson (GA)

Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeback  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herse  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchee  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Issa  
Jackson (IL)  
Jenkins  
Johnson (GA)

Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Kind  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)

Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Wilson (SC)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space

Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

NOT VOTING—15

Barrett (SC)  
Brown (SC)  
Capuano  
Davis (AL)  
Davis (IL)  
Deal (GA)

Delahunt  
Gordon (TN)  
Green, Gene  
Israel  
Jackson-Lee  
(TX)

Napolitano  
Rohrabacher  
Tanner  
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1520

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3904

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3904.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Is there objection to the request of the gentleman from Texas?

There was no objection.

INTERNATIONAL ATOMIC ENERGY AGENCY REPORT ON IRAN

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, today the International Atomic Energy Agency released disturbing new information about Iran. The U.N. watchdog said Iran could be constructing several more covert nuclear installations. The report also said that Iran lied about the facility we do know about, saying construction began in 2007 when satellite photos prove it was started in 2002.

Most disturbing of all, the report indicates that Tehran has now produced 1¾ tons of low-enriched uranium. That is enough for two bombs if enriched further. Four weeks ago, Iran was offered a deal to ship its uranium overseas for processing, but instead of accepting, it gave us more delays. Today's report makes it clear that we can't afford to offer any more deals or accept any more delays.

This House took full action when it passed the Iran Sanctions Enabling Act and must now pass the Iran Refined Petroleum Sanctions Act. The time for action is now.

#### AMERICANS OPPOSE AMNESTY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, with 15 million people unemployed, it's no wonder that Americans increasingly are concerned about illegal immigration. A CNN/Opinion Research poll found that only 36 percent of Americans now approve of the President's handling of illegal immigration, and 58 percent disapprove.

The poll also found that 73 percent of Americans want to see the number of illegal immigrants in the U.S. decreased. This is the highest percentage since the question was first asked in 2006. In addition, Gallup reported that a percentage of Americans supporting a decrease in overall immigration levels increased from 39 percent to 50 percent in the last year.

The Obama administration should put the interests of Americans ahead of those of illegal immigrants.

#### NEW YORKERS DEMAND JUSTICE

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, earlier today, in an effort to scare people and to frighten them, a Member of this House came to the floor and suggested that the idea of having the trial of Khalid Sheikh Mohammed in New York might jeopardize the family of the mayor of the city of New York.

Now putting aside for a moment that we have an opportunity in New York to have New Yorkers stand before the bar of justice and serve on a jury to finally put Khalid Sheikh Mohammed to death, and that is exactly the way it should be, for any Member of this

House to suggest that somehow to support the decision to have a trial would jeopardize family members of the mayor of the city of New York is outrageous. Now that Member knows who he is. That Member should apologize. That Member then should be quiet.

It is one thing to bring a baby to the floor of Congress and use it as a prop during the health care debate and quite another to suggest that the family of the mayor of the city of New York might be in danger because they have a different political view of how to carry out justice.

#### CONFERRING U.S. CONSTITUTIONAL RIGHTS ON FOREIGN SOLDIERS

(Mr. CULBERSON asked and was given permission to address the House for 1 minute.)

Mr. CULBERSON. Mr. Speaker, for the first time in American history, foreign soldiers captured on foreign battlefields are being given U.S. constitutional rights. The bigger issue for me and my constituents and the people of Texas, what outrages us most about these terrorists being tried in New York, is that now for the first time, this administration and this liberal Congress are giving U.S. constitutional rights to foreign soldiers captured on foreign battlefields.

They are going to lawyer up at taxpayer expense. They are going to all ask for every constitutional right that a regular U.S. criminal defendant gets, and they are going to get off on technicalities. Now think about that for a minute. Khalid Sheikh Mohammed and these terrorists are going to be freed on technicalities.

No U.S. soldier should be held to the same standard as a police officer on the streets of New York. It's wrong. It violates our core principles as a Nation, and it endangers our military. We cannot give U.S. constitutional rights to enemy soldiers captured on foreign battlefields, especially these murderers, these terrorists held at Guantanamo.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRIGHT). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### NIDAL HASAN, TERRORIST—AKA "ALIEN UNLAWFUL BELLIGERENT"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Major Nidal Malik Hasan is a terrorist. If anyone needs confirmation, it says on his own business cards, Soldier of Allah, and those business cards were

found in his apartment. Within an hour of his terrorist attack on Fort Hood, the FBI quickly told us he is not a terrorist. The authorities told us not to jump to conclusions while they jump to conclusions.

The news media has called Hasan everything but a terrorist. Hasan was called a "lone gunman" or a "troubled individual" who somehow suffered from post-traumatic stress disorder. The main problem with that is he hadn't been deployed overseas, so how could he have post-traumatic stress disorder? Maybe it should be called pre-post-traumatic stress disorder.

They said Hasan's terrorist rampage was an "isolated incident," a "random act of violence." Hasan was "under stress," "harassed" and was somehow forced to "snap." And they even blame it on guns. But don't call him a terrorist.

The day after Hasan's terrorist attack, reports leaked out that he had yelled the standard terrorist "Allahu Akbar," Arabic for "God is great," while gunning down innocent people.

According to The Dallas Morning News, authorities are investigating whether Hasan wired money to Pakistan terrorist groups in recent months.

□ 1530

His apartment cost \$350 a month and didn't have much furniture in it. He drove an old car, but he made over \$100,000 a year. Now people are asking, Where did all that money go?

According to a colleague at Walter Reed Hospital, Hasan gave an hour-long lecture there on what he called the "Koranic View of Military Service, Jihad, and War." Instead of the medical lecture he was supposed to talk about, Hasan talked about punishment visited upon infidels—consignment to hell, decapitation, and having hot oil poured down your throat. According to his colleague at the hospital, this "freaked a lot of doctors out." Well, no kidding. But apparently not enough for anyone to break their politically correct silence and report him. Why have the politically correct police made those who report crime so timid?

Hasan's colleagues said that he was the kind of guy who the staff actually stood around in the hallway saying, Do you think this guy is a terrorist or is he just odd? Nothing was done. And why wasn't he formally reported by colleagues? There are no answers.

Hasan exchanged emails with an al Qaeda recruiter in Yemen 20 times. According to the Wall Street Journal, the Pentagon said they were never told by intelligence agencies about the emails, which raises even more questions.

The FBI, Army Intelligence, the CIA, apparently they're still not talking to each other. So we need congressional investigations on this entire situation. I've asked that the Terrorism Subcommittee, which I serve on in Congress, investigate this situation.

There were warning signs that were ignored because he was a Muslim. Is

this a reflection on all Muslims in the Army? Absolutely not. We have those in the Muslim faith loyally serving in Iraq and Afghanistan. Many speak Farsi and help our troops in combat. But it is a reflection on one person who radicalized.

There were warning signs, and interventions should have occurred much earlier. It's a reflection on the Army's ability to be decisive and take care of business, take care of a threat when they see it. They missed the obvious. The question is: Is this continuing to happen in the military? Are they going to continue to ignore the obvious? Hasan had murdered 14 people, including a pregnant soldier and her unborn child. She was sent back home from Iraq out of the war zone to have her baby.

Mr. Speaker, when it gets to the point where political correctness puts the lives of our troops in danger on American soil at their home base, it's well past time to stop playing preposterous PC games.

By the way, Mr. Speaker, do you know what the military officially calls terrorists? We don't use that term "terrorist" anymore. They are officially called alien unlawful belligerents. Now, isn't that lovely. We can't call them terrorist or killers or criminals because that might hurt their feelings.

The American military, the FBI, and the media must deal with the facts and the truth without trying to mislead the American public.

And that's just the way it is.

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#### SMART POWER CAN SUCCEED WHERE MILITARY POWER ALONE HAS FAILED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week on Veterans Day the American people paid tribute to the heroic men and women who have and are serving in our military. Fortunately, most veterans return home safe and sound. They devote themselves to their families. They become leaders in their communities. I know many veterans in my district. They are among the most respected and beloved neighbors. But too many veterans, Mr. Speaker, never get the chance to resume their lives. They die in battle or they return home with terrible wounds that will never heal. Their loving families feel scars of war, too—especially the children.

Today, American soldiers continue to face danger in Afghanistan and in Iraq. Nearly 5,300 have already died in those two conflicts. About 35,000 have been wounded. And when the wounded return home, they often face many challenges.

According to a study by the Harvard Medical School, over 130,000 veterans are homeless. Over 2,200 veterans died last year because they didn't have

health insurance. And, Mr. Speaker, many veterans are out of work in this recession.

This Congress and President Obama and his administration recognize these problems and we made some good progress in addressing them. This House has passed new legislation that helps veterans. We have passed a strong health insurance reform bill that will help veterans. In addition, General Shinseki, the Secretary of Veterans Affairs, has promised an all-out effort to end veterans' homelessness. He has also launched a new effort to strengthen housing, education, employment, and medical care opportunities for our veterans.

We need to do all of this, Mr. Speaker, and we need to do more. But I have always believed that the best way to serve our veterans is to do everything we can to keep them out of harm's way in the first place. That means sending our troops to war only as a last resort, when we have explored every other alternative.

In Afghanistan, we haven't met that test. We have relied almost exclusively on the military solution for over 8 long years. And we see where that's gotten us—absolutely nowhere.

Mr. Speaker, we have learned that there is no military solution to Afghanistan, and we've learned that lesson the hard way. We have learned it through the number of dead and wounded. That's why I urge President Obama to say "no" to sending more troops to Afghanistan. Our troops have already been stretched to the limit by repeated deployments. Their families have already suffered enough on the homefront. Escalating the war will only help the violent extremists in Afghanistan to recruit more violent extremists to attack our troops.

Instead of pursuing the same failed strategy of the past, I have called for a new strategy that relies on all the effective tools of smart security. These tools include diplomacy, humanitarian aid, economic development, education, civil affairs, and better intelligence and police work to search out and capture extremists. At least 80 percent of all further funding for Afghanistan should be devoted to these smart power efforts.

Mr. Speaker, the casualty figures are growing in Afghanistan. We owe it to our courageous troops to protect their lives before we have another Iraq on our hands. Smart security must be used because it can get us a lot farther in Afghanistan, much further than military power alone.

Mr. Speaker, let's change our strategy before it's too late. Let's bring our troops home. Let's bring them home safe, sound, and successful.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### ASTRONAUT ROBERT SATCHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Yesterday, as STS-129 lifted off, there was a very definite glint of pride in my eyes and spring in my step because one of the astronauts on board was Mission Specialist Robert Satcher, doctor, chemical engineer, and native of Oak Park, Illinois, and the Seventh Congressional District.

Dr. Satcher is the second astronaut to hail from Oak Park on the western border of Chicago. Any community to boast of such a record of producing astronauts deserves a second look, but for a community with just over 50,000 residents to accumulate such a record, something must be going on that is very right. But, of course, in the end, it is up to the individual to determine what to do with the circumstances of their lives.

Dr. Robert Satcher has done some amazing things with his life. An orthopedic surgeon who practices at Northwestern Memorial and Children's Memorial hospitals, teaches at Northwestern University Medical School, does research at the Lurie Comprehensive Cancer Center of Northwestern and the Institute for Bioengineering and Nanotechnology in Advanced Medicine at Northwestern, Dr. Satcher is a nephew of former U.S. Surgeon General David Satcher. He is married to Dr. D'Juanna Satcher, and they have a daughter, Daija.

Dr. Satcher was a Schweitzer Fellow at the Albert Schweitzer Hospital in Lambarene, Gabon, completed numerous medical missions for outreach care to underserved areas in Nicaragua, Venezuela, Nigeria, Burkina Faso, and Gabon. He held internships at DuPont in the Textile Fibers Research Group and the Polymer Products Division.

Growing up, he was a National Merit Scholar and received the Monsanto Award and the Albert G. Hill Award from MIT, fellowships from both the Robert Wood Johnson Foundation and the UNCF/Merck Research Foundation, and is a member of the Tau Beta Pi Engineering Honor Society. He is a Leadership Fellow of the American Academy of Orthopedic Surgeons, ABC Fellow of the American Orthopedic Association, Bloomberg Leadership Fellow, and has completed 12 research grants and has 15 peer-review publications and over 25 presentations at national and international research meetings.

He has been active in the Big Brother for Youth at Risk Counseling Program; Department of Corrections, San Francisco, California; a tutor for the Black Student Union tutorial program at MIT; the National Society of Black Engineers; the American Institute of Chemical Engineering; a supervising adult for Cub Scout Camp for Boys in Nashville, Tennessee; and he is a lay Episcopal minister with primary responsibility for visiting the sick and

shut-in members of the church at St. Edmonds Episcopal Church in Chicago and St. James Episcopal Church in Houston.

He was selected for Astronaut Candidate training by NASA in May of 2004 and completed training in February of 2006. On STS-129, Dr. Satcher is scheduled to perform two EVAs—space walks—among other assignments. For those who want to follow Dr. Satcher on Twitter, he will be tweeting as astro\_bones and ZeroG\_MD.

Godspeed to you, Dr. Satcher. Bobby, you have a lot of fans back on Earth, and especially those in Oak Park, Illinois.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### THE SPOILS OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. In Iraq, after thousands upon thousands of lost lives and hundreds of thousands of disabling injuries, after a trillion dollars of U.S. treasure added to our Nation's debt, after an incalculable amount of U.S. prestige being lost, one aspect about Iraq remains defining: It's all about oil and the spoils of oil across that region.

Exxon, the largest U.S. oil company, with profits totaling \$40.6 billion in 2008—a record—just got its first contract inside Iraq. Foreign oil companies like Exxon were thrown out of that country four decades ago when Saddam Hussein nationalized Iraq's oil fields.

Michael Klare, in his prescient book about resource wars, "Blood and Oil," connects the dots. What a shame our world is so primitive, people brutally fight over diminishing resources as global energy extraction giants advantage themselves, far from home, in the wake of our soldiers, tapping largesse these oil giants covet.

Iraq ranks fourth in global oil reserves behind Saudi Arabia, Canada,

and Iran. Iraq's central government is now picking winners in the great oil prize bonanza—the "Iraqi Oil Contracting Rush of 2009." Oil has dominated Iraq's economy for generations. Oil has traditionally provided more than 90 percent of that country's exchange earnings, and that is likely to be the case for a few decades to come until it's all sucked dry.

According to the Washington Post, the oil ministry is expected to hold a new bidding round in December for undeveloped fields. Those are also for service agreements. Oil giants hope the deals could one day lead to production-sharing deals, long a goal of energy firms that have been shut out of the Middle East for years.

□ 1545

The oil giants, Exxon-Mobil and Royal Dutch/Shell, signed a \$50 billion deal with Iraq to extract oil from the Western Qurna oil field, one of Iraq's largest oil fields located north of Rumaila field, west of Basra in southern Iraq. Western Qurna is believed to hold 11 to 15 billion barrels of recoverable reserve. This prize of a deal gives Exxon-Mobil, Shell and their partners \$1.90 per barrel above the current production rate of 2.5 million barrels per day, and they hope to increase production to 7 million per day over the next 6 years, meaning a windfall of \$3.1 billion per year.

Are the lives of our soldiers worth it? The giant Exxon Mobil/Shell consortium beat out the other oil giant consortiums, led by Russia's LUKOIL, France's Total and a consortium led by China's CNPC. Dictators have come and gone, foreign armies have come and gone, some still remain.

One thing remains constant about Iraq. Oil is still the big prize. That is why American and European oil company giants going all the way back to the Ottoman Empire have coveted control of their crude. Cynics would even say they have been willing to go to war over it. As we observe the continuing rush to the oil fields by a world that must transition to a greener and sustainable energy future, one must ask the tough question, Are the lives of our noble military going to be expended—for how long?—far away from home to access a resource that is diminishing globally while America's Treasury is emptied, supporting wars in foreign places to tap a resource that, by 2050, will be gone, never to return again.

Civilized people should demand more than fighting resource wars of the past for an oil giant's prizes, for limited remaining time on this planet. It's time to think hard about where we have extended our most precious assets and to say, It's time to come home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

(Mr. LINCOLN DIAZ-BALART of Florida addressed the House. His re-

marks will appear hereafter in the Extensions of Remarks.)

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Louisiana (Mr. CASSIDY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CASSIDY. Thank you, Mr. Speaker. Although you called me "mister," I am actually a physician; and so in my other life—I actually saw patients just yesterday at a public hospital in Louisiana, a safety net hospital where I have worked for the last 20 years. So caring for the uninsured has been my life's work since completing my residency and returning home. I've learned that if you don't pay attention to costs that it doesn't matter how passionate you are for the uninsured; the fact is that you are unable to achieve your goals.

There are three goals of health reform, and they're commonly said to be controlling cost to provide access to high-quality care. In the hospital where I work, a safety net hospital, they are committed, they are so passionate for the underserved folks who are med techs, physical therapists, ward clerks, physicians and nurses. But the problem is, if there is a budget shortfall, then inevitably, services suffer.

So it doesn't matter how passionate we are in our service. The fact is that if there are insufficient resources in the State at the end of the budget year, then services suffer. It may be that the nurse staffing has decreased and hospital beds are closed so that if somebody comes to the emergency room, they have to wait in the emergency room before they're admitted. And inevitably when that happens, the hospital goes into what is called divert, whereas instead of coming to our hospital, they will be diverted to another hospital. That's because if you don't control cost, inevitably, access and quality suffer.

Now, I was struck that President Obama agrees with this. President Obama continually speaks about the need to bend the cost curve down, the need to control costs because if we do not control costs, then our economy suffers and the ability to provide care suffers. Now, it's one thing to say that we're going to control cost in order to expand access to quality care, but you've got to have a plan on how to get there.

There is a company called McKinsey & Company, and on their Web site, they have a great article that you can download called "The Three Imperatives of Health Care Reform." Without achieving these three imperatives, then, we cannot control cost in a way which expands access to quality care. Now the three imperatives that they list are decreasing administrative costs, how much money we put into the

bureaucracy as opposed to patient care, incentivizing healthy lifestyle. Put differently, if people insist on smoking and drinking and if they're too heavy, it doesn't matter how much we throw at health care; we will never control cost because we are always try to catch up with the disease as opposed to preventing it. And, lastly, cost transparency. Someone going in for knee surgery needs to know how much her bill will be before she goes in as opposed to learning about it 2 months later when she gets the bill.

It is important for us, therefore, to achieve our goals of cost containment to provide access to quality care to work through these three imperatives. Now, the bill we just passed, H.R. 3962, on the face of it does not achieve these three imperatives. As an example, if you are going to decrease administrative costs, you don't achieve a decrease in administrative costs by creating 111 new bureaucracies, boards, and commissions. It is just laughable to think that we are going to put that much more money into administration, build that many more buildings, hire that many more people and at the same time say we're decreasing administrative costs.

There is very little in the bill that incentivizes a healthy lifestyle. You can argue that those provisions in the bill that address this weaken the current provisions that we're finding effective. And, lastly, there is not a whole lot that provides cost transparency. Indeed, one of the things that has been used to encourage cost transparency is the use of health savings accounts, and now health savings accounts are being taxed, as they have not been before.

So it's not surprising if these three imperatives are not addressed that we can say that cost is not being controlled. Now, by the way, it's not just me who says that costs are not being controlled. We have here a quote from *The Washington Post*, and we also have a quote from *The Washington Times*. The *Post* article says, speaking of this bill: "It does not do enough to control costs, and it is not funded in a sustainable way." The headline from *The New York Times*—I think this was November 10—"Democrats raise alarms over health bill costs." Democrats are raising alarms over the cost of this health bill. That's so important because if you can look in any health care system, if you don't effectively control costs, eventually access to quality care suffers.

I have been living this for 20 years. In my life, I know this to be true. So here we see from a couple different sources, *The Post* and *The Times*, that this bill does not do enough to control costs.

Now, it turns out it isn't just *The Post* and *The Times* that have such concerns. There is an article in *Reuters*, and *Reuters* says that China is now questioning the cost of our U.S. health care reform. Since China buys so much of our debt, it turns out they have a vested interest in making sure

that we have our financial house in order. So to read the article from *Reuters*: "Guess what? It turns out the Chinese are kind of curious about how President Barack Obama's health care reform plans would impact America's huge fiscal deficit. Government officials are using his Asian trip as an opportunity to ask the White House questions. Detailed questions. Boilerplate assurances that America won't default on its debt or inflate the shortfall away are apparently not cutting it."

I think it's important for us as an American people and our country to look at the bill that was just passed that is going over to the Senate and to analyze how well does it control costs. Are the Chinese correct? The *Washington Post*, *The New York Times*, are their articles correct? Or does it, indeed, actually control costs and everyone else is a little bit confused about it?

Well, let's go into that. First, remember our three imperatives: you have to decrease administrative costs, you have to incentivize healthy lifestyles, and you have to put in cost transparency. Let's talk about incentivizing healthy lifestyles and how you do so. Now, as it turns out, when the President talks about preventive medicine, one of the kinds of dirty little secrets of this—and as a physician, I can say this—if you are talking about things such as colonoscopy, actually, if we did a colonoscopy on everybody over 50, as per the current recommendation, it actually costs the system a little bit more. Now, it's a good cost. If you find a polyp, remove it, and prevent cancer, that is actually a very good thing; but it doesn't save money.

But there are some things you can do that will save money. If you can get someone to stop smoking, it actually saves the system money. It also helps them in terms of their health. If you can get someone to lose weight, it actually saves the system money. General Motors did a study—they have got so many employees, they can do this sort of thing—and they found that for every 10 pounds that an employee lost, that their health care costs went down significantly. If the person had high blood pressure, and they lost 10 pounds, their blood pressure got better. They required less medicine. If they had diabetes, the diabetes became easier to control or in some cases the diabetes would go completely away.

Now, there are ways that you can incentivize a healthy lifestyle. Under current law, companies are allowed to decrease by up to 20 percent the premiums they charge their employees if the employee participates in a wellness program. So, for example, Safeway, which is a large grocery store chain across the United States, had a program where they will decrease their premiums by 20 percent for those employees who participate and attend a smoking cessation program. When they do so, they find that people—surprise, surprise—stop smoking.

Similarly, if someone joins an exercise program or a dietary program if they are overweight and they lose weight—now, frankly, as I recall the way it's structured, is that the person just has to join the smoking cessation program. They don't actually have to stop smoking. But just as it turns out, people, if exposed to information, act on that information, and they adjust their lifestyles. So either by an exercise program, a dietitian or by smoking cessation programs, by participating in these, they will lose weight. And Safeway has kept their costs for their health insurance constant, whereas there has been about a 7 to 10 percent inflation rate over the United States.

I just met with a company based in my hometown of Baton Rouge, Edelmayer, and Edelmayer has been having about a 10 percent inflation rate. But 2 years ago, they instituted a program where they first had all their employees come in for a health assessment. Last year they had all their employees come in for a health assessment—for example, do you smoke, are you overweight, but also a physical exam. Next year they are putting in, as a covered benefit, a smoking cessation program.

Then 2 years from now—this is a 4-year process—they are going to decrease premiums for those that participate in these smoking cessation programs. Their premium costs, which have been increasing 7 percent to 10 percent per year, are projected to only rise 3 percent per year when they institute the full program. So by putting in or incentivizing healthy lifestyles, they're going to lower their inflation rate to 3 percent per year.

Now, H.R. 3962 actually weakens these provisions. Republican amendments offered in committee would have increased the amount an employee could save if she participated in a wellness program, but these were defeated basically on party-line votes. Similarly, there is a disassociation in H.R. 3962 from what a company can do to incentivize healthy lifestyles and how this provision works.

As an example, H.R. 3962 requires that a company pay at least 72.5 percent of an employee's insurance premium. Well, if you've got to pay at least 72.5 percent, that limits the amount you can decrease in order to incentivize somebody to participate in a wellness program. Now, the way you could say it is, if someone participates in a wellness program, you would pay 72.5 percent, but if they do not, you are allowed to decrease your contribution to 68 percent.

□ 1600

Now, remember, I'm not saying they have to stop smoking; I'm just saying they have to participate in the wellness program to stop smoking. So there's a key difference. Some people will not be able to, but most people, if given the facts, will be able to do so. So if one of our three imperatives of lowering health care cost is to incentivize

healthy lifestyles, we actually see some of the programs which are now working well are gutted or made less able to work effectively under the bill that we just passed.

Now, we're never going to control cost if we do not incentivize a healthy lifestyle. As a physician, I will tell you that part of what is driving the cost of health care in the United States is the cost associated with diabetes, high blood pressure, heart attack and stroke. The prevalence of these diseases is so much more in our country relative to Europe that there's at least one article out there that suggests that the entirety of the cost differential between the United States and Europe is because the increased expense of treating these diseases such as diabetes, hypertension, high cholesterol, stroke, heart disease; they all kind of go under the term of a metabolic syndrome, if I'm allowed to speak like a physician.

And so if we're not going to get a handle on these, if we're not going to incentivize a healthy lifestyle so that we're not treating the disease on the back end, as opposed to preventing it on the front end, then we will never achieve one of our principle three goals, which is to control cost, because, again, working in a public hospital for 20 years, I've learned, if you do not control cost, you do not have the adequate resources to expand access to quality care. And according to the independent sources, The Washington Post, The New York Times, China, this cost, this bill before us has significant issues as regards its ability to control costs.

Indeed, Centers for Medicare and Medicaid Services, called CMS, the Federal government's already paying for Medicare, which is the health care program for folks 65 and above, and a large amount of money for Medicaid, which is the State Federal program for the poor in each State. And there is a new study, the Centers For Medicare and Medicaid Services, that finds that the health care reform bill recently passed in the House of Representatives will increase health care spending to 21.3 percent of our Gross Domestic Product, compared to 20.8 percent under current law, bending the curve the wrong way.

If the President says that if we do nothing the status quo is such that costs will double, as it turns out, under the reform package passed a week ago in this Chamber, costs more than double. As crazy as it sounds, the reform bill we passed, according to the independent Centers For Medicare and Medicaid Services, the reform bill costs more than the status quo. And I keep saying that because the President said we've got to have reform to control costs. And according to the Federal Government, our reform costs more than the status quo. At a minimum, reform should not cost more than the status quo. We shouldn't bend the curve the wrong way. We should bend the curve the right way.

In addition, the CMS study gives a clearer cost estimate than the one previously given by the Congressional Budget Office. According to the CBO, the 10-year cost of the plan was \$894 billion. But the analysis included earlier years of very little government spending. According to the Center for Medicaid and Medicare Services, the House approach will cost \$1 trillion from 2013 to 2019, or some \$140 billion a year when put into effect.

So, in 7 years, it will cost \$1 trillion. Clearly, if the goals of health care reform are to control costs so that we can expand access to quality care, according to our government, the Chinese government, two prestigious newspapers, this bill did not do so. What does it do? Well, one thing it does is it takes power away from patients and it turns it over to the Federal Government. Now, it's going to sound like rhetoric, so let me elaborate. Again, as a physician who's worked for 20 years with the uninsured, I've learned that when you put the patient in the middle of process, if you say the most important person here is the patient, then actually, you tend to lower costs and have healthier patients.

If you think about it, that program which lowers someone's premiums 20 percent if she participates in a wellness program, it puts the responsibility for someone's health on the person with the greatest ability to make a change—that is the patient. If she is financially rewarded for having a healthier lifestyle, as it turns out she'll have a healthier lifestyle. We, as a society—not only will she be healthier, she will have lower costs and, frankly, those lower costs, among millions of patients, if you will, lowers the cost for the system.

There's one way to explain this. There's something in the Republican proposals called health savings accounts. Now, in a health savings account, you put the patient in the middle of the process in the following fashion: A health savings account takes the money that a family would normally spend for a health care premium. It sluices off a portion of it and puts it into a bank account. So if with a traditional insurance policy, at the beginning of the year, a family of four puts up \$12,000, if at the end of the year they've not seen a doctor, well, they've put up another \$12,000 for the next year. At the end of the year they put up another 12,000, and every year they put up another 12,000. In a health savings account you sluice off a portion, and you put it into an account.

Now, that money comes from the money you'd ordinarily be spending for a premium. But instead of spending it for a premium, you put it in this bank account. And instead of asking the insurance company to pay for a flu shot, you pay for it out of your bank account. Instead of asking for the insurance company to pay for your arthritis medicine, you'd pay for it out of your bank account. The advantage is, at the

end of the year, if you have money left over, instead of losing it, it rolls over until the next year. Or, if you have a family member whose costs are excessive, you can donate portions of your health savings account to your family member.

And so, with that money, it is money that you are incentivized to spend wisely. I'll give you an example. Two patients come to mind, or three patients. There's one patient who's got a traditional insurance policy, and a very nice woman. And she's got an expensive policy but she's a woman of means and she can afford it. And she says, I never look at the bill. If the doctor writes me a generic or a name brand drug I don't care. My insurance pays for it. When I get a bill from the hospital, I don't look at it. The insurance pays for it.

And so, because the insurance pays for everything, she likes her insurance policy, but she's got the money to pay for it. Contrast that with someone like the gentleman I'm about to describe. We're talking about health savings accounts. He goes, I have a health savings account. I went to my doctor and my doctor wrote me a prescription for a medicine that I knew by experience would cost \$159. Now, notice, he didn't say \$160. He said \$159, because he's paying for this out of his account. And he said, my doctor wrote me for this medicine for \$159. I said, Doc, I have a health savings account. Do you mind writing me for something cheaper? And the physician said, I'm sorry. You have an HSA, and he tore up that prescription and he wrote him for a generic.

Now, you can say, why didn't the doctor write for the generic in the first place? He probably should have. On the other hand, who is most responsible for an individual's health? The person most responsible for an individual's health is that individual. And so, just like if I were to go to Target or Wal-Mart and say, okay, I'm going to buy school uniforms for my children, it's really not Target's responsibility to prove to me that they are cheaper than Wal-Mart. It's my responsibility to see who's cheaper and then to go to the place that gives me the best value for my money.

So it puts the responsibility where probably it most rightfully should be. And frankly, with that responsibility, the man responded. Instead of getting a medicine that costs \$159, he got a medicine that cost \$20. The system saved \$139. If you multiply that across the millions of transactions, then this system saves millions and even billions of dollars.

Now, we have just gone from the anecdote of an individual patient. Let's talk about a study. Kaiser Family Foundation, a little bit of a left of center group, but a good group, did a study where they compared the cost for a family of four which had a health savings account with a catastrophic policy on top, so if they have a terrible illness like a liver transplant that exceeded

the amount of money in their account, the catastrophic policy picks it up on the top end. They compared it with the cost of a traditional insurance policy for a family of four. They found that the family of four, with the HSA, the health savings account, and the catastrophic policy on top, they found that that family's cost of that HSA and catastrophic policy was 30 percent cheaper than the cost of the traditional insurance policy for a family of four. And they found that both families used preventive services as frequently.

So what we have here, if our goals of health care reform are to control cost, to expand access to quality care by lowering premiums, the Kaiser Family Foundation found that the family with the HSA and catastrophic policy, their policy costs were 30 percent cheaper compared to traditional insurance.

They also found that 27 percent of those people who had an HSA and a catastrophic policy were previously uninsured; that 50 percent of people with these sorts of policies had family incomes of \$50,000 or less, and that about 60 percent of such families had family incomes of \$70,000 or less.

So, by controlling cost, the HSA catastrophic policy, 30 percent cheaper, by controlling cost, those people who were previously uninsured, 27 percent of the folks with these HSAs were previously uninsured, were able to now purchase insurance, and with this insurance they access preventive services as frequently as those with traditional policies. So the goals of reform were achieved. Lowered cost, expanded access to quality care.

I've been joined by a colleague of mine who is also a physician, a family physician, also a small businessman. And Dr. FLEMING, we're discussing costs and how control of cost is so essential to expanding access to quality care. Do you mind sharing the anecdote of that employee, when your group went to HSAs, because I want to show how the two things I've discussed so far have been how you can incentivize healthy lifestyles and control costs by decreasing premiums, if you will, and also how health savings accounts, by directly connecting people with costs, can also be cost savings. Your anecdote combines those two. Can I ask you to share that?

Mr. FLEMING. Sure. I thank the gentleman, Dr. CASSIDY, my colleague from Louisiana for doing a Special Order today, an opportunity to speak on that very subject. Yes. What you're referring to is a case in which my companies, my nonmedical companies, seeing health care premiums rising an average of 10 to 15 percent per year, we found that to be an unsustainable increase. And we began to analyze what are the choices, what are the options. Maybe we would pay less of the premiums, perhaps we would just stop insurance all together. We really weren't sure what we could do.

And then I recall something that at that time was a brand new concept,

and that is a health savings account, where you lift the deductible of the policy to a higher level, saving a premium cost, but then, in turn, put the incremental increase that comes up to what the premium would be into a health savings account. So we began that about 6 years ago. We brought the deductible up to about \$3,000. And employees would get as much as \$50 a month put into their health savings accounts where they could purchase any health care service or item they needed, pretax.

□ 1615

In explaining this to my employees, however, as we gathered together, I wanted to make sure everyone was on the same page. I suggested to them that this was the way we probably would want to go, but I wanted to get the input as to what their concerns might be.

We had a lady who said, "Well, you know, the problem with this is my inhalers. If I have to pay for them out of my pocket or my health savings account each month, it is going to cost me \$100, maybe \$150 a month. And true enough, this would come out of my health savings account, but I don't know that my health savings account would be able to withstand that."

So I said to her, "Well, let's think this through. Perhaps you should consider doing a smoking cessation program, stop smoking altogether. You could throw away all of your inhalers; you would save money on the cigarettes; you would save money on the money accumulating in your health savings account."

Mr. CASSIDY. If the gentleman will yield.

Mr. FLEMING. Sure.

Mr. CASSIDY. By connecting her with costs, if you will, you are incentivizing a healthy lifestyle.

Mr. FLEMING. Basically, you're absolutely right, Dr. CASSIDY. What we are really doing is saving her money and saving her life because there is no question there is direct correlation, an inverse correlation, between the use of tobacco and health. By the same context, if you stop smoking, then life span increases.

So we found in very real terms that it saved premium costs—both to the employer and to the patient—by instilling the health savings account and attaching behavior with costs. And even today, we received notice on our most recent new policy for the coming year. The increase was 3½ percent, which is really amazing when it comes to health insurance policies.

Mr. CASSIDY. If the gentleman will yield.

You said that all of your employees in your group are on health savings accounts now?

Mr. FLEMING. Yes.

Mr. CASSIDY. We sometimes hear that health savings accounts are only for the wealthy, yet you've heard me quote that study that found that 27

percent of people with HSAs and catastrophic policies were previously uninsured.

And so as I know—and I'll yield back now—your business is a service business so I assume that people are of moderate income, and yet this is the policy that they have all chosen. So unless you tell me that all of these folks are wealthy, I will assume indeed this is something that works for middle America.

Mr. FLEMING. This is a fast food business. It's a steep pyramid which means you have a wide base of entry-level employees and then middle management and then just a few high-income folks. Remember, the employer is putting the money into the health savings account. That doesn't mean that the patient or employee can't also put some money in, but the lion's share was put in by us. And now after 6 years or so, those who have taken good care of their health and not wasted the health care dollars now have saved as much as \$15- to \$20,000 in their family health savings account which is triple, if not quadruple, what the deductible is on their health policy.

Mr. CASSIDY. So what you've told me is that families have been incentivized to be wise with their health care dollars, and at the end of every year, instead of losing that dollar, it rolls over and it accumulates. Now they put that much less money for the following year. For those particular families, their cost of insurance, if you will, is decreasing annually, I would assume.

Mr. FLEMING. Of course the premiums stay even. But what happens is the cash accumulates and it accumulates to the point where there is essentially no deductible, no copayment. Whatever health care needs you have, there is always plenty of money in the bank.

What's also interesting is for whatever reason you get out of that plan and went to something else—let's say you hit 65, you went to Medicare; let's say you just decided you didn't want to have insurance anymore, whatever reason—you still keep that money. It is still there for you for health care needs. And you can use it indefinitely no matter what other health plan you might be on.

Mr. CASSIDY. If I can contrast your patient-centered approach where you put the patient responsible, the person most responsible—the patient, your employee—in charge of the dollars she would spend for her health care and in so doing she responded in rational economic way. She didn't want to spend money on inhalers so she stopped smoking, so therefore she stopped needing inhalers and the whole system saved money.

Contrast that with the bill that we passed a week ago in which now there is going to be a tax on health savings accounts.

So the example I gave, if I may continue, is where the patient asked for an

over-the-counter generic instead of the prescription medicine knowing that the one was as good as the other, and one costs \$20, one cost \$39, and yet now by the bill that was passed by our colleagues on the Democratic side of the aisle, we are now going to tax the purchase of over-the-counter medicines when that purchase is made with a health savings account. It seems like we're going backwards in terms of incentivizing people to use less costly drugs.

I yield to the gentleman.

Mr. FLEMING. Congressman CASSIDY, I have looked at this for many years in terms of being a family physician figuring out how to get the best cost care to a patient delivered—and I am sure you have in your specialist role—but also as a business. And I have concluded over the years there are only two ways to control costs in a health care system: either you do as we just discussed, you have the doctor and the patient have a stake in the cost controls for themselves or at least particularly for the patient, in which case as a dividend; you have cost savings throughout the system; or you create a giant, highly bureaucratic system that engineers, micromanages life behaviors from top to bottom in which there is no connection between a patient and his or her behavior—or cost, for that matter—and for that system to be effective—because we see an exponential growth in consumer purchase behavior—and the infinite desire for value coming out of the system, whoever is putting the money in it, we as consumers always want to get as much out of a system as we can, especially when we are not putting anything into it.

When you have that scenario, then it puts an intense demand on the controlling entity which in this case is the Federal Government. It puts an intense pressure and burden to figure out ways of controlling costs, and there is only one way at that point to do it: that is long lines and rationing. That is the only way any system of that size has been able to control costs.

Mr. CASSIDY. Now, on the other hand—let's be fair to this bill—it does attempt to pay for its exploding costs.

Before you walked in, I mentioned the Centers for Medicare and Medicaid Services found that the bill that was passed—although 39 Democrats joined Republicans in opposing it, it still passed on basically a party-line vote—that because of that bill, health care spending will increase to 21.3 percent of our GDP compared to current law; 20.8 percent would be under current law. And bending the cost curve the wrong way, if you will, or bending the cost curve up, we are yanking on that thing. But on the other hand, they do attempt to pay for it.

If the gentleman will allow me to go forward. They are creating \$730 billion in tax hikes. Some people have called this a tax bill disguised as a health care bill: \$460 billion tax on small businesses and high earners; \$135 billion

employer-mandate tax; \$33 billion individual mandate tax. You mentioned how you are a small businessman as well as a physician.

I am going to yield to you and ask you if you can comment on how these taxes would affect you as a small business person.

Mr. FLEMING. It would have a tremendous negative impact. First of all, if for whatever reason—let me back up a second.

This health care bill provides that whether it is a public option, a government-run insurance, or whether it's a private insurance plan, they all have to go through an exchange and meet certain minimum requirements and certifications. Every constituency out there is going to be knocking on our doors in Washington wanting their aroma therapies, their massage therapies, and everything else which is going to make the minimum requirements go up and, therefore, the cost.

I, as a small business owner, when I am having to decide about purchasing these required minimums and mandates, at some point I may say I can't afford it, in which case I will have to opt out of the health care plan but I will still have to pay an 8 percent of payroll tax or up to 8 percent payroll tax.

So even not covering my employees will lead to higher costs. And as soon as my costs go up, my profits go down, my ability to sustain business will fade, and the first thing I will have to do is lay people off or certainly not hire people.

Mr. CASSIDY. So lay people off. It is projected, I see, using the methodology of the White House Council on Economic Advisors, that the tax hike, \$730 billion in tax hikes to address this cost—which, by the way, inadequately addresses it—would kill 5.5 million American jobs.

Mr. FLEMING. If the gentleman would yield for one other point on that.

The taxes on the business doesn't stop there. With the Bush tax cuts expiring very soon, the marginal tax rates will go up from 35 to 39 percent and then this bill provides for another excise tax of over 5 percent. So marginal tax rates on small business owners will increase from 35 percent to 45 percent plus the 8 percent that we talked about, taxes that will occur on payroll even if the employer does not have or are able to purchase health care insurance.

So just an explosion of costs without any return on investment. And therefore, the business owner, in order to remain competitive, will have to reduce his workforce.

Mr. CASSIDY. So there's mandates on businesses and individuals, there is a loss of freedom; there's \$730 billion in new taxes, and there's 5.5 million American jobs lost.

Mr. FLEMING. Yes.

Mr. CASSIDY. That is a trifecta of disaster.

Mr. FLEMING. Absolutely.

Mr. CASSIDY. I see we've been joined by Congressman SCALISE. I will yield to the gentleman from Louisiana.

Before doing so, I'll say we have been discussing costs; how the Washington Post, New York Times, the Chinese Government, Centers for Medicare & Medicaid Services have all expressed doubts that this bill will control costs. And frankly in fairness there were 39 Democrats that voted against this bill. Some of them also expressed concerns regarding this cost.

I'd like to yield to you for your thoughts, please.

Mr. SCALISE. I want to thank my colleague from Baton Rouge—in fact, both doctors from Louisiana who have exhibited so much leadership on this broader issue of health care reform. But I think, as you've pointed out, what so many Americans are finding out now as they are looking at more and more of the details of that 1,990-page bill that we opposed but unfortunately passed the House a week and a half ago, is they're realizing not only all of the taxes, as you pointed out, over \$700 billion new taxes that would cripple small businesses and families, the \$500 billion in cuts to Medicare that our seniors know will lead ultimately to rationing of health care and other devastating consequences.

When this whole debate started, it was about lowering costs of health care. Now they're realizing that Speaker PELOSI's 1,990-page government takeover of health care will actually lead to increased cost for health care, which is the ultimate irony and really the ultimate kick in the teeth to the American people who want—as we want—real health care reform to lower cost.

In fact, the alternative bill that we presented here on the House floor where we had a record vote here on the House floor that same day that Speaker PELOSI's bill passed, our bill actually would have reduced health care cost by 10 percent scored by the Congressional Budget Office, would have had no absolutely no tax increases, no cuts to Medicare; but on the other side, we're seeing more and more now how many costs are now increasing. In fact, we just saw a report come out earlier this week that showed that prescription drug prices have increased this year by 10 percent because some of these drug companies that supposedly are going to help out with lowering costs, what they did was they jacked up their costs 10 percent this year to accommodate for the increased cost down the road by Speaker PELOSI's government takeover.

So not only are all of our families across this country that have health care that they like, realizing that the bill will actually take away, potentially, their health care, it will also lead to higher health care costs overall and even higher prescription drug costs. So it is really a double whammy for American families who were expecting something completely different

from this Democratically controlled Congress.

Unfortunately what they're seeing is a 1,990-page government takeover of health care that raises taxes, cuts Medicare, and they'll increase costs for health care, which is just the opposite of what Americans were promised.

So it is a very big disappointment as more details come out. Hopefully, we can stop this from actually becoming law so that we can do real health care reform to address pre-existing conditions, to bring in more competition so families can buy across State lines, have true competition, have portability to take their health care with them, and have medical liability reform which we actually put in our bill which would have reduced costs saving American families millions and millions of dollars every year.

□ 1630

Mr. CASSIDY. There are a couple of ironies here. One irony is that we were told we had to do this to control costs, yet we see it does not do enough to control costs. The GDP amount going to health care will be more under this bill.

The other irony, we were told we had to do this to preserve jobs, yet it is estimated that we will lose 5.5 million jobs related to the \$730 billion in taxes in this bill.

Mr. SCALISE. On that issue of jobs, we are seeing more and more on the stimulus bill, the so-called stimulus bill that we also opposed, a bill that added another \$787 billion to our national debt, was completely financed on the backs of our children and grandchildren. I noticed and I am sure my colleagues from Louisiana will be happy to find out, when you go to the White House's Web site, Louisiana has 15 different congressional districts and they talk about the jobs that were created by the stimulus bill in Louisiana's Eighth Congressional District, and the only problem, and you are laughing and it is almost comical, while they talk about on the White House's Web site all of the jobs created by the stimulus bill in Louisiana's Eighth Congressional District, Louisiana only has seven congressional districts. In fact, when we looked across other States, we were seeing the same exact thing.

So there is a whole lot of not only deception, but fraudulent numbers being reported on the White House's own Web site about jobs that were created in districts that don't even exist in this country. And it was using money that doesn't exist because it was borrowed from our children and grandchildren.

Mr. FLEMING. I want to add that apparently Puerto Rico and, I believe, Guam or Northern Mariana Islands had the 99th District, which I don't think they have but one district, but they are already up to 99th District with all of the jobs, the fake jobs, the artificial jobs that were created.

There is really, again, a two-tiered approach to increasing aspects to care.

One is to do what this bill that just passed does, and that is to say we are going to cover as many people as we can and we will worry about costs later on. Another would be to attack cost first, create a more efficient system, such as we talked about a little earlier, and then organically you are able to cover more people because there is more money to go around.

So I really am concerned that we have started off in the wrong direction here. Of course, the Senate has some kind of bill, although we haven't seen the details of it from the majority leader, but I think it still attacks this whole problem in a sort of government takeover way.

If you look at the statistics, Mr. Speaker, what you find is that the American people oppose, and it depends on which poll you look at, but either by a slim margin or by a large margin, they oppose the government takeover of health care. The American people get it. Republicans in the House and in the Senate get it, so why can't the White House and the Democrats in Congress get that government has never proven to run anything well when it comes to a business-like, cost-effective, and efficient manner. So why are we going to take over one-sixth of the economy and do just that?

Mr. CASSIDY. I think that was the message from the town hall meetings in August. In August, the people spoke. They came out in droves to say we want reform, but we want reform that doesn't concentrate power in Washington, DC, doesn't raise taxes by \$737 billion and still does not do enough to control costs, doesn't kill 5.5 million jobs. No, we want something which you and I would call patient centered, something which recognizes there is a heck of a lot of money in the system now. If we just create the economic model in which people are incentivized, as your employee was, to live a healthier lifestyle, thereby saving her and the system money, thereby saving small businesses money, we can accomplish something.

So I think the American people spoke loudly and clearly in August. The only question is will they be heard.

I will compliment my Democratic colleagues. Thirty-nine of them heard and joined with Republicans voting against this bill which sacrifices personal freedom, which increases taxes by \$737 billion, which is estimated to cost 5.5 million jobs and still does not control costs. So I think the American people are, frankly, where you and I are.

Mr. FLEMING. We covered the cost that is going to occur to small businesses and to individuals, perhaps those who opt out of insurance, having to pay 2.5 percent of their adjusted gross income or a \$250,000 fine or 5 years in prison. But what about the States? You know, the States, Mr. Speaker, cannot have legal counterfeiting of money the way we in Congress do. They can't create a currency

that doesn't exist. And all of a sudden we have a mandate by increasing Medicaid from 100 percent of poverty to 150 percent of poverty.

Mr. CASSIDY. Reclaiming my time, just for those watching who are not familiar with Medicaid, Medicaid is the program where States put up some money and the Federal Government puts up other money and it covers the poor. Right now in many States they are either having to raise taxes to cover the cost of it or cut back services to the poor. And yet what this bill does is says that you shall, the States shall increase the percent of their population that they are paying for medical services with Medicaid. The Federal Government will pay for a portion of that, but not all, and the State taxpayer has to pay the rest.

In our State, Louisiana, it is estimated that will cost \$610 million extra State dollars that will come out of roads and highways and schools. I think Schwarzenegger in California said \$6 billion for California.

Mr. FLEMING. Yes, and that money is not going to come off the backs of our children and grandchildren as it does here in Washington. That is going to come directly out of taxpayer pockets. That is going to be roads that aren't going to be built, bridges that aren't going to be built, projects that aren't going to go forward, things that would stimulate job production. That is money sucked out of the economy.

And remember, as you expand Medicaid to higher and higher income levels, you are pulling people off of private insurance where premiums are being paid by employers and the families, to some extent. You are pulling them into Medicaid which is now 100 percent government paid for. And again, we are concentrating power in the government and cost on top of the taxpayer, really a terrible combination of things in an era where we are looking at pushing above a \$12 trillion limit where our deficit spending has quadrupled within 1 year, where even the Chinese who lend us the money we live off, our credit card, if you will, have become terrified of our spending as well. I don't know where this ends, Mr. Speaker.

Mr. CASSIDY. I think people back home are concerned that in this Chamber we are too partisan. That is why I am trying to make it a point to not speak from a Republican viewpoint, but to quote The Washington Post and The New York Times, which says that this bill does not do enough to control costs. To quote the Centers for Medicare & Medicaid Services, which is a Federal agency: In aggregate, we estimate that for the calendar years 2010 through 2019, national health expenditures will increase by almost \$290 billion.

Most of the provisions in H.R. 3962 that were designed in part to reduce the rate of growth and health care costs would have relatively small savings.

Again, some of my colleagues, Democrats, said: I fear this bill will not reduce long-term costs and our debt and deficits will suffer and balloon in the years ahead.

Another Democrat colleague: My primary concerns have been that the legislation does little to bring down out-of-control health care costs, which is what burdens families and small businesses and also leads to our skyrocketing budget deficits.

The Congressional Budget Office, an independent agency, says that the cost has grown at about 8 percent per year, which more than doubles cost. If you compound 8 percent per year, when the President says the cost of doing nothing is that the cost will double, in this case the cost of doing this something, costs will more than double, according to the Congressional Budget Office.

On balance, during the decade following the 10-year period, the bill would increase Federal outlays for health care and the Federal budgetary commitment to health care relative to the current amount. That does not include the State dollars that we have been referring to.

Mr. FLEMING. What we are talking about may sound theoretical, but we actually have a model by which, on a much more microscopic level—we actually have many, but one that I think is the best is Medicare itself. Medicare is a government-run health care program. Those who are served by it like it, but there is a good reason why they like it, because they get a lot more out of it than what they actually put into it. It is heavily subsidized in different ways. It is running out of money. I believe the estimate today is that it will be completely out of money in 8 years. The cost today, the annual cost of Medicare is exponentially greater, magnitudes greater than the estimates ever were in the past. It has always run much higher in cost than was ever predicted. And yet, we somehow think we are going to be able to take a much larger health care system controlled by a much larger governmental set of agencies, 111 new bureaucracies and mandates, and that what we couldn't do with a much smaller system that was a lot less complex, somehow we are going to miraculously do with a much bigger, more costly system. And even if it didn't, we don't have the money as it is. We are living on our future, our descendants, if you will. We are living off their dime at this point.

Mr. CASSIDY. We have spoken about the irony, about how the bill we have to pass in order to control costs is more expensive than status quo. We spoke about the irony about the bill we had to pass to rescue jobs will cost 5.5 million American jobs.

There is another irony here. Medicare, a great program but going bankrupt in 7 years, according to the folks that run it; Medicaid, another Federal program which is bankrupting States, is now going to be rescued by a third public program which is based upon the

one and expands the other. So two going bankrupt or bankrupting will be saved by a third which builds upon those first two.

To go back to Scripture, you are building a house upon a foundation of sand. In this case, it is a fiscal foundation of sand which should concern us, as it concerns newspapers like the Post and the Times which wonder if it does enough to control costs.

Mr. FLEMING. It is clear that all of these things—Medicare that exists today, running out of money; Social Security that exists today, running out of money; Medicaid already out of money and bankrupting States; jobs, killing jobs, and jobs are what keep our current health plans in place; \$13 trillion in debt and rising—many, many dollars spent right here in this House that we have absolutely no way of paying for, and we see a confluence of events here, costs that are coming rapidly together that very quickly just the interest alone will begin to squeeze out all of the other services that we look to government to help us with, like common defense.

What are we going to do when we don't have the money to protect our country both internally and externally? What are we going to do when we don't have money for some of the programs that we use as kind of a safety net for Americans today who don't make enough to live off of, or used to be employed but became unemployed because of our spending? What are we going to do? We have to change direction.

I just spoke at a TEA party this weekend, and people are absolutely—they are past angry. They are actually terrified at this point.

You mentioned, Dr. CASSIDY, this summer, all of the town halls, and of course TEA parties have sprung up during that period of time. I think we have to look at that as sort of the canary in the mine shaft. That is the early warning sign that the citizenry out there is fed up with the irresponsible spending that we are doing here. It is time we begin to look at reinstating individual choice and individual freedom rather than the government controlling and micromanaging our individual lives and taking our own money away from us to give back to us in order to control us.

Mr. CASSIDY. I think the point just hit upon, we all want reform and we know the goals of reform are to control cost and to expand access to quality care.

Now, there are some who think that to do that you have to sacrifice freedoms, you have to raise taxes, kill jobs and still not control costs.

□ 1645

But you and I know from our practice and our life experience that you can do it differently. You can actually increase freedom by giving that person the ability to control her account that she can use to spend or not spend, to

seek value. In so doing, you lower the administrative costs. You kind of cut the insurance company out of the deal because now she has her own account, and she doesn't have to submit a payment claim. She just pays for it with a debit card.

You can control costs in a patient-centered way, one that incentivizes a healthy lifestyle. And in so doing, the patient becomes healthier; and by becoming healthier, you control costs, not by 111 different bureaucracies, boards, and commissions. It stays with conservative values of individual responsibility, limited government, and free enterprise. It actually works in this segment of our economy as it does in every other segment.

I yield.

Mr. FLEMING. I thank the gentleman. I absolutely agree. And, again, it looks like, from what you've presented today, The New York Times, The Washington Post, and I read today from Reuters, and CMS just came out—all of these groups, very nonpartisan in many cases, and certainly no one can say that The New York Times is a Republican or even conservative publication—all of these groups, these publications, these boards, editors are coming out with great anxiety over the cost of this.

And you might say, well, why are they complaining after the fact? Well, remember that we debated for weeks on H.R. 3200, but we only had 1 day really to vote on H.R. 3962, which really doubled in size and doubled the number of bureaucracies virtually overnight. And I think now that all the celebration is over in the House, we may have a little hangover going forward.

Mr. CASSIDY. I think that people are waking up. Again, if we're going to achieve our goals of reform for all, health care accessible and at affordable costs, you can't have it with a program which drives up costs and drives up costs despite the high taxes and the loss of jobs. So we're not through yet. The American people still have time to weigh in on this, to weigh in as the bill goes through the Senate side and then comes back to conference.

But what I challenge the American people to do is to do as they did in August, to contact those Representatives that voted for this bill and express their concern regarding the cost, the taxes, the loss of jobs, but also to contact their Senators and to say that they want reform, but they want reform that doesn't kill jobs, raise taxes, or deprive us of personal freedom. I think in that way we can have a bill which serves the American people without sacrificing our values.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2781, MOLALLA RIVER WILD AND SCENIC RIVERS ACT

Mr. ARCURI, from the Committee on Rules (during the Special Order of Mr.

CASSIDY), submitted a privileged report (Rept. No. 111-339) on the resolution (H. Res. 908) providing for consideration of the bill (H.R. 2781) to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3791, FIRE GRANTS REAUTHORIZATION ACT OF 2009

Mr. ARCURI, from the Committee on Rules (during the Special Order of Mr. CASSIDY), submitted a privileged report (Rept. No. 111-340) on the resolution (H. Res. 909) providing for consideration of the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. MCMAHON). Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to try to clear the record here a bit and talk a little bit about our health care reform proposal that passed the House of Representatives a little more than a week ago and talk about the benefits to the American people.

I would like to respond to a couple of the concerns that were made by the other side over the course of the last hour. It's very interesting to me because I was here over the last 7 years and was here during the last part of the Bush administration. I was here 2002, 2003, 2004, 2005, 2006, 2007, 2008 and watched as our friends on the Republican side cut taxes for the top 1 percent, the wealthiest 1 percent of Americans, continued to spend money with a reckless disregard for the national debt, for deficits, started two wars, borrowed the money from China to pay for the wars, borrowed money from China to compensate for tax cuts that went to the top 1 percent of the wealthiest Americans. And here we are a couple of years later, and our friends on the other side are concerned about the deficit and the debt.

It was President Bush's appointees to the SEC that gave a blind eye to what was happening on Wall Street. Wall Street collapses, and the \$780 billion and \$800 billion that we had to spend to stabilize the economy was under President Bush's watch. It wasn't under President Obama's watch. We've spent the last 9 months cleaning up the mess that was made over the last 8 years.

Now, this is not to assess blame. We're all in this boat together. We're

all in this together. I recognize that. But you can't cause all these problems, because the Republicans controlled the House, Republicans controlled the Senate, Republicans controlled the White House, Republicans controlled the Supreme Court. They pulled every lever of government, ran up the deficit, ran up the debt, started two wars, blowing money left and right, giving tax cuts to the wealthiest, and then we wonder why we ended up where we are today. No regulation of Wall Street. The economy collapses. Tax revenues go down.

Now, I'm not saying that what we have done over the last 8 or 9 months has been to wave some magic wand and all of these problems have gone away. I represent northeast Ohio. Our unemployment rate is at 15 percent in some of our cities. But we can say very objectively that the money that was spent going to Wall Street, the stimulus package has at least stepped us away from the cliff that we were on—and we were on a cliff ready to fall off as a country—as an economy we have been able to stabilize that.

Now, I'm not happy with what the banks are doing. I don't think anybody is. I think it's important to move more money back to community banks and let's stimulate lending at the local level. That's how we're going to re-charge and revive our economy. And that would be the direction that ultimately we need to go in.

But you certainly can see that we were losing jobs at 700,000 a month and now we're still losing jobs, still too many; but it's at 200,000-plus a month. So we're at least trending in the right direction.

But I've got to tell you, Mr. Speaker, I get a real kick out of these fellows on the other side who caused all of these problems and then now complain how we're trying to fix them.

And make no mistake: this discussion about health care, as our friends earlier were talking about, their assumption and presumption was that the health care system is working just fine. It's not costing us a lot of money, not really hurting many people, everyone has access, no rationing today, all of which is not true.

We have health care growing at a 9 percent clip. We have the GDP growing at a 3 percent clip. You continue to do the math, and you'll find out that in 10 years, \$1 of every \$5 in our economy will be spent on health care. You will find out that if you take that out another couple of decades, 30 years, \$1 in every \$3 will be spent on health care. That is unsustainable. Unsustainable. And to think if we do nothing, which is basically what the Republican proposal was, to just keep kind of doing what we're doing, it doesn't cover more people, doesn't take care of a lot of the human rights issues that were involved here—if we continue doing what we're doing, the average family in America will pay another \$1,800 a year in health care next year and then another \$1,800 the following year and another \$2,000

the following year. And we will continue down a road where this continues to eat up the whole family budget.

I have a member of my staff who has an Aetna 7-D health care plan. In 2007 his copay was \$237 a month. In 2008 it went up 22 percent. In 2009 it went up 9.7 percent. And in 2010 it went up 80 percent. Now, this is a Federal employee; and this is happening all throughout our economy, all throughout our country. So from 2007 to 2010, a 142 percent increase for Gene Crockett from Niles, Ohio.

Now, our friends on the other side: just keep doing what we're doing, things are okay, things are fine, we'll get to it.

This is change. And this is obviously a difficult process, but we are moving forward, and it passed the House in a historic vote here a couple of weeks ago, and we will continue moving in that direction so that the Gene Crocketts of the world and the average people around the country who see this eating up more and more of their budget will get some relief.

I was amazed over the last week I was home when I'd be at a restaurant and people, real quiet, would kind of look at me and say, Thanks for your vote on health care, Congressman. You know, real quiet. And that's how this debate has been in this country. And the polls are bearing it out. The AARP poll that just came out showed significant support for this. Another poll I was just looking at a little bit earlier, significant support for some of these provisions, because we take care of the bread-and-butter issues of the health care situation we have in this country.

If you're a kid or you're 27 years old or younger, if this reform passes, if some of these provisions in the House version stay in, if you're 27 years old or under, you can stay on your parents' insurance. If you have ever been denied insurance coverage because you have some preexisting condition, this reform will end that practice. That will no longer happen to anyone in the United States of America ever again. And our friends on the other side voted against it.

I was getting my hair cut last week and was talking to the owner of the hair salon, and she said, you know, you need to pass this health care reform. We need help. I heard the story about her daughter who just started working with her and the daughter had asthma growing up, went to get insurance, and she had to sign basically an agreement with the insurance company saying that if she goes to the hospital because of asthma that the insurance company will not pay for that hospital visit. So the girl has asthma. She's paying a lot of money a month, hundreds and hundreds and hundreds of dollars a month, to get insurance. And the one thing that she is probably going to need her insurance for the insurance won't cover.

Now, does that make any sense, to continue with a system that takes your

money but will not cover you? That doesn't sound very fair. And that process, that provision, that practice will be eliminated. Done. No more. My friends on the other side voted against that.

Also in the House version, the 27 years old and the preexisting condition provisions happen as the bill is passed; so that will start immediately. The exchange and some other things start in 2013, but those two provisions start immediately. So the American people will see the benefits of that rather quickly.

Another provision in this bill says that there will be limits to the amount of money a person or family can spend a year. In the House bill it was about 12 percent of your income, which is still a lot. So if you make \$50,000 or \$60,000 a year, if you have a health care catastrophe in your family, after you pay \$5,000 or \$6,000 out of pocket in health care, you're done paying for the rest of that year. So families in America will no longer go bankrupt because they have a health care catastrophe in their family.

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Now, if that is not a human rights issue, I don't know what a human rights issue is. And that is exactly what this bill does. So, no matter what, families in this country will not go bankrupt because of health care situations in their family.

And if you look at my district alone, 17th Congressional District, it stretches from Akron through Kent, Ravenna in Portage County, Warren and Niles in Trumbull County, and Youngstown, Ohio, in Mahoning County, the old Steel Belt. Just last year, in my district, 1,700 families went bankrupt because of health care, 1,700 families. And what this provision will do is eliminate that. That will no longer happen as it happens here today in the United States of America.

So, our friends on the other side are three for three now. They voted against extending insurance to kids or allowing kids to stay on their parents' insurance until they are 27 years old, they voted against that. We said that you can no longer be denied coverage because of a preexisting condition, diabetes, cancer, heart disease, asthma. We put an end to that practice. Republicans on the other side, except for one courageous soldier down in Louisiana, all voted against it. And those two provisions will start immediately upon this bill's going into effect. The limiting of 12 percent of your income that could be paid out of pocket per year on health care expenses, so that we don't have people go bankrupt, passed in the health care reform. Every Republican, save one courageous soldier down in Louisiana, voted against it.

Our friends on the other side were talking about small business, small businesses being affected by this. Eighty-six percent of small businesses will be exempted from this legislation. But they will be able to go in to the

health insurance exchange and all of a sudden have a lot more bargaining power than they had before, because they would call their health care folks up and say, what do you got? What's the package? How many employees do you have? Ten, 15, 20. An average increase, or the increase over the last 6 or 7 years, has been about 120 percent increase for small businesses. This allows these small businesses, Mr. MURPHY, to go into the exchange, to pool their numbers, to get better negotiating power, more negotiating power and better rates, because of their ability to pool with each other. And that will reduce health care costs for small businesses.

At the end of the day, it's going to be the small business folks who will see this health care reform as a real step into trying to help them control health care costs so they can reinvest back into their company.

I yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Thank you, Mr. RYAN. I thank you for convening us down here again. And I think you're right to focus on the issue of small businesses because that is where the problem has laid for a very long time. Small business men and women with a couple of employees, maybe 10, 15, 20 employees, they want to do the right thing. They want to provide insurance for their employees, but with the kind of margins that they face normally, and in particular with the kind of margins they are facing in this tough economy, combined with their inability to access capital from the lenders in their community who might be providing them with loans, means they don't have the room to provide health care.

In my district, it prompted one individual, a brave small businessman named Kevin Galvin who had had his own experience with confronting our very backwards health care system when his daughter got very sick, and it forced that family to go through layers of bureaucracy and layers of appeals to try to get their own insurance company to cover her. He runs a small business in Connecticut, a maintenance company that employs a handful of people. And their margins are so small that he can't afford to provide insurance for his employees. Now he has gone through it, the tragedy of trying to cobble together the money and the insurance claims in order to pay for the care of a sick loved one. And so, it has ripped him apart that he can't provide insurance for his employees.

So he decided to go out and do something about it. He decided to go out in Connecticut and organize small businesses around the State for health care reform. And his group, Small Businesses for Health Care Reform, centered in Connecticut, has thousands, thousands of members amongst the Connecticut small-business community, all rallied around our effort to provide relief for those small employ-

ers that desperately want to get health care for their employees but they can't.

They can't in part of because of the margins that they have. They can't also because they, on average, as you pointed out, Mr. RYAN, are paying about 15 to 20 percent more in premiums than large businesses are. It is just a matter of simple economics. If you're bargaining with the insurance companies on premiums for only a handful of employees, you're just going to get a worse deal and have to pay a higher price than you will if you're a big business that has a couple hundred employees.

And so he and his group see the genius in what we are trying to do here, which is to not erase the private market, not substitute our current health care system with some other country's health care system, not engage in what the cable news talk show hosts claim is a government takeover, but simply to make the existing market work better, to allow Kevin Galvin and his handful of employees to join together with all of those other small businesses who are in the same position with all of those other uninsured individuals and sole proprietors who are negotiating on behalf of only themselves, to put them all in a pool and to allow them to negotiate for lower premiums against the insurance companies with the kind of bulk purchasing power that we know works.

So we have small businesses throughout Connecticut that are standing up and screaming for health care reform because they want to provide health care for their employees. And those that already are are being crushed by the weight of those premiums. So when they look at this bill, when they see the health care exchange pooling all of their purchasing power together, when they see the tax credits in the bill, that in my district alone, Mr. RYAN, are going to mean that 17,000 small businesses will now pay lower taxes because they are going to be able to offset their health care expenses against their tax obligation, they see a tremendous benefit.

And if we want to point the way forward on the economic revitalization of this country, if we want to start to plot a real strategy about how we grow jobs, jobs in this country, small businesses are the solution. And picking up off of their shoulders the crushing weight of health care costs is one of the most effective strategies in allowing them to start growing jobs again, Mr. RYAN.

Mr. RYAN of Ohio. I appreciate that. The gentleman makes the point that what this is all about is jobs. This is an economic development bill. This is about allowing these businesses to reinvest back into their small businesses. It is not a coincidence that as health care is eating up more and more of the businesses' budget, that wages have been stagnant over the last decade or two because the small business owner does not have the ability to both eat

the increases in health care and give the requisite amount of pay increases to the workers. It's either or.

So over the last decade, it has been all health care, all the time. And sometimes they have passed on a smaller portion of that on to their employees where they are asking for more of a co-pay, higher premiums and the whole nine yards. But now, what we are saying is if we can get these costs under control, those small businesses can reinvest back into technology, back into the new machines, back into the wages, back into the training, back into more benefits and other kinds of benefits, maybe retirement benefits, for their workers instead of being stuck in this cycle of health care, health care, health care, health care and no reinvestment back into the business.

Mr. MURPHY of Connecticut. Mr. RYAN, in Connecticut alone, our largest insurer, which insures over half the individuals in the State, announced earlier this year that they were going to be passing down a 30 percent premium increase to small businesses, small group plans and individuals—30 percent. It's beyond me to figure out how on Earth health care costs changed so much from last year to this year that you can justify a 30 percent increase, but from a small business standpoint, that causes thousands of small businesses to walk away and say, that's too much.

My business in a recession is dropping, and you're asking me to pay 30 percent for one of my biggest line items? It causes individuals who were just being able to cobble together the money that they could to pay for insurance to walk away and say, listen, I have had my wages held flat this year. I can't go out and pay a 30 percent increase.

And it causes our Republican friends to shutter their ears and close their eyes and pretend that all of those people and all of these employees who lose their health care because of the 30 percent increase are going to suddenly spend the rest of the year really, really super healthy and never need to get health care. They are going to get sick. Those employees are going to get sick. Those individuals who had to walk away from care because the premium increase was too high are going to get sick. And they are going to get so sick that they are going to end up in our emergency rooms. And then we are all going to pay for it. We are going to pay for it in higher taxes to subsidize emergency room care. We are going to pay for it in higher private premiums to make up for the uninsured that walk into the doors of those hospitals. And we are going to end up perpetuating our current system of sick care where we force people to go without insurance, wait until they are so sick that they show up at the emergency room for the most expensive, and frankly, most inhumane type of care, crisis care, which costs us all a lot more money in the long run, Mr. RYAN.

Mr. RYAN of Ohio. Yes. And it has all been fear-based. One of our colleagues on the other side said the tea baggers are beyond, they're beyond scared; they're terrified now. They are terrified because of the budget. Where were these people when President Bush and the Republican Congress and House and Senate were cutting taxes for millionaires and starting two wars and spending money left and right and running up the deficit? And now they're terrified because we're saying we want to help small businesses, we want to help citizens in the United States be able to afford health care?

We're taking on the insurance industry, Mr. Speaker. What is so difficult about this to understand? They have been ruling the roost in the country for how long? And we're stepping in after an election in 2006 where the American people were fed up, an election in 2008 where President Obama won, and basically, a huge election, and he talked as a centerpiece of his campaign about health care reform. And here we are.

I'm sure our districts aren't that much different, manufacturing, a lot of immigrants came over the last 100, 150 years to our States, and a lot of middle class people, and our people don't get on a bullhorn and scream about their problems that they have in their family. They have a lot of pride, but they just want to muscle through it. But they want an element of fairness in the system. And so they will, as I said, and I don't know if you were here or not, they will grab me at the restaurant and thank me for my vote and say, I hope it passes, or I hope it pulls through.

But they are not going to call Rush Limbaugh and call in and talk about how their daughter is sick and the problems they had and go on and on. But when I stood at the Canfield Fair or, this weekend, going into a restaurant or getting my hair cut, whatever the situation was, they would grab me and they would quietly say, thank you. God, is this going to pass? Is this really going to happen? That's what average people are saying here today.

These situations that go on all across our country, and to turn a blind eye to it, and the Republican proposal doesn't even cover everybody. It was like, here is our proposal. Great. You cover another million people. Boy, that is really going to bring down the pressure on the emergency rooms.

And this is pretty simple. I talked about the reforms. If you make \$89,000 a year or less, you are going to get credits, subsidies, to help you pay for your insurance so that family will have more money to spend in other parts of the economy. Instead of health care eating a huge chunk of the economy up, they will have money to pay for their kids' college education, to make investments to buy a new car, to keep the auto industry going, buy a new refrigerator, buy a new house.

Literally, if you think about just an \$1,800 increase next year in health care

bills, if we get health care costs under control, imagine the amount of money these families and small businesses are going to have to spend in buying durable industrial goods.

Mr. MURPHY of Connecticut. This is not my line; I think others have said this, but this is a consumer takeover of the health care system. That is what this is. This is putting consumers and patients and regular, average, ordinary Americans back in charge. And people were angry about a lot of things when President Bush was in charge and the Republicans controlled the House and Senate. They were angry that it seemed like the oil companies were running our energy policy. They were angry that the banks seemed to get whatever they wanted when it came to financial policy. And they were angry that the insurance companies and drug companies seemed to get everything they wanted when it came to health care policy.

And they had a pretty good example, Mr. RYAN, why that happened. I will add to your list of all of the deficit increases over the course of the Republican control of this Congress. Medicare part D, the one time that this House of Representatives woke up and decided to legislate on health care, they did it in a way that guaranteed enormous profits for the insurance and drug industry, in particular by inserting a provision into the Medicare part D law that specifically prohibited the Federal Government from negotiating deep discounts on behalf of all Medicare beneficiaries against the drug companies. And they paid for it all by borrowing.

So this sudden conversion to fiscal responsibility by the Republicans is pretty transparent to people that have been caring about health care for long enough to remember when Republicans came here, proposed and passed a Medicare drug benefit that was written by the drug and insurance industry and paid for by borrowing.

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So for all of those TEA baggers out there and all of those non-TEA partiers who are concerned about the deficits, this health care bill isn't just deficit neutral; it brings down the deficit by \$30 billion over the course of 10 years. You can argue about the policy, but you can't argue with the CBO score. The Congressional Budget Office says that this bill, over the course of 10 years, will bring down the deficit, and actually tells us that in the second 10 years will bring down the deficit by even more, standing in contrast to the Republicans' sole effort at health care reform when they controlled this place, which handed more power to the industries that were running the joint to begin with, and did it all by borrowing.

So, Mr. RYAN, it's the war, it's the tax cuts, but it's also the Republicans' policy on health care. And I don't have a lot of sympathy for our Republican friends who come down here and talk

to us about the health care implications for the deficit. Our bill lowers the deficit. Their one attempt at health care reform massively increased the deficit.

Mr. RYAN of Ohio. It's not just CHRIS MURPHY from Connecticut or me or NANCY PELOSI. Here's from the Business Roundtable. CEOs of the Nation's largest businesses released a report on the impact of health care legislation moving through Congress and that, "Key components of health care reform could slow the growth of health care costs and offer real savings for companies and their employees."

According to the Business Roundtable Hewitt study, many of the legislative reforms currently in the health reform bill could reduce costs by as much as \$3,000 per employee by 2019. This is the Business Roundtable. This is not the Democrats. This is the CEOs of the Nation's largest businesses.

As you said, CBO, Business Roundtable, this is what we're trying to fix. And when you have the CEOs of the Nation's largest businesses saying that this reform will save us \$3,000 per employee by 2019, and you have hundreds and hundreds and hundreds, if not thousands of employees, that money is going to go to wages, investments, technology. On and on and on these investments will be made, not sit around and do nothing.

Republicans just came—in the last week, finally, they had a proposal. We've been debating about health care for all this time and they were in control of every major branch of government from 2000 to 2006. Didn't do anything about health care. Now we're coming to try to fix it.

Mr. KING of Iowa. Will the gentleman yield?

Mr. RYAN of Ohio. I'd be happy to yield.

Mr. KING of Iowa. I thank the gentleman from Ohio.

I just recall that we were here together when we passed the litigation lawsuit abuse reform out of the House and it got stalled up in the Senate. That would be one thing I would point out that I think is important from an objective standpoint.

Mr. RYAN of Ohio. Reclaiming my time, litigation has been projected to have only 1 percent effect on the costs of overall health care spending.

Mr. KING of Iowa. If the gentleman would yield, \$54 billion was the score on the bill introduced this year.

Mr. RYAN of Ohio. Over 10 years.

Mr. KING of Iowa. Yes.

Mr. RYAN of Ohio. One percent of cost. And there is no real way to quantify—reclaiming my time—no real way to quantify this number. But when you're talking about billions and billions and billions of dollars, again, that's to my point, is that the Republican plan is to just kind of nibble around the edges and maybe we'll try to do this a little bit here and a little bit there, but at the end of the day here's the reality.

Since we have gotten in office and with President Obama, but before that, we took on the banks and yanked them out of the student loan business because they had a sweetheart deal. As you said, with Medicare part D, where all of this money is going to the pharmaceutical companies, we are reforming that provision as well. Now we're taking on the insurance companies.

With the energy bill, we took on the oil companies, where they're getting subsidies. And just a couple of years ago we spent \$115 or \$120 billion dollars in escorting ExxonMobil ships in and out of the Middle East so that they would be safe to further supplement and subsidize the oil industry. We took on the oil industry.

Increased minimum wage, increased Pell Grants. We made steps to make investments. But the bottom line is this health care reform bill is about economic development in the United States of America.

Mr. MURPHY of Connecticut. And people have been crying out for it, Mr. RYAN, and I think that's why you and I both have families coming up to us and, as you said, kind of quietly expressing to us their stories. Folks in my district do it the same way. But you find them. You hear from them.

I remember knocking on somebody's door this summer as I was going around a couple of neighborhoods to check in and hearing a guy talk about his illness. He had actually, I think, been injured, and his worker's comp didn't pay for the entirety of the care that he needed, so he had to go to his primary insurer. He had to pay for some of it out of his own pocket.

It got so bad and his expenses got so high that the only place he could go without losing his house was the one main savings account he did own, and that was his child's college fund. And so he planned at first to only take a little bit out from his child's college fund because he figured he could get his insurer to pitch in a little bit, figured the economy might turn, he might be able to get a little better job, and then he had to go back again. And he had to go back again. By the time I saw him this summer, that college fund was gone. He had no money saved for college. The only way that his son, who by this time was in his teenage years and only a few years from going to college, the only way he was going to be able to go to college was if he got a full ride somewhere. His son's dreams have evaporated because of health care costs, because of illnesses.

Now, this particular family had that money saved away for college and so it's not one of the thousands of families that went into bankruptcy. So we should remind ourselves that when we hear all these statistics about the thousands and thousands of families who go into bankruptcy every year just because Mom got cancer, that doesn't count all the families who did the responsible thing and were able to squirrel away a little bit of money and ex-

hausted all of it, changing their plans forever. So layer on top of all of the bankruptcies the hundreds of thousands of families who were ruined without bankruptcy because of the crippling cost of medical care.

So this is being celebrated by all of these families out there who have had their lives change for so many different reasons, because they do see that they're actually going to get some wages back from their employer who doesn't have to spend every dime on health care. But they also see that this bill is going to give them some security that a lot of people thought just came with being a citizen of the most powerful, the most affluent country in the world.

You're right, Mr. RYAN. That does involve taking on the insurance industry. That does involve stepping up to the plate and telling them that they're wrong. For the life of me, it's beyond me why this Congress hasn't been able to do that. And I get that that invites the ire of the health care industry that has had their way for so long. I get that that means there's going to be a lot of commercials on the air criticizing Members who voted in favor of this and those that might vote in favor of it in the Senate. But it's been a long time coming for those families that we both know and those small businesses that have been calling for it.

Mr. RYAN of Ohio. Think about it. Just in the 17th Congressional District, 14,000 small businesses will now be better off because they're going to be negotiating with more and other small businesses to try to bring down prices. And 12,300 small businesses in my congressional district will be getting tax credits as an incentive to compensate for this; 43,000 people will now have insurance that didn't have insurance.

We have, in Youngstown, a hospital that just filed bankruptcy. Now all of a sudden every single person that walks through that door will have health insurance instead of that cost being passed on to everyone else.

I can't help but to think about the gentleman that you were just talking about who had to spend through his kid's college fund. If these reforms were in place, that person's amount of out-of-pocket expenditures would be limited to 10 or 12 percent of that family's income. So they wouldn't have had to go into the college fund. Our friends on the other side voted against that.

So we have got to go back to our constituents and defend every vote that we have made here. And that is, to me, significant. The preexisting condition, not being kicked off your insurance because you get sick, being able to stay on your parents' insurance until you're 27 years old, all of those are significant steps in the right direction, not to mention on Medicare part D by extending and having consistent drug coverage throughout the course of the entire year instead of interrupted coverage, which is happening now.

I got a letter from a doctor this summer who was telling me about a patient that he had that met her limit on part D. And I can't remember at this point exactly what the issue was with her, but they had to take her from the drug of choice to a cheaper drug because she couldn't afford it. So, in June or July when she met her cap, they had to switch prescriptions because she couldn't afford the one that he had her on. She ended up getting sick. They switched prescriptions again and again, and she ended up in the hospital for a week or two.

It's the perfect example of why would you not just—how much cheaper would it have been for the taxpayer to consistently pay for those prescriptions throughout the course of the year instead of her going into the hospital for a week or 10 days or 2 weeks and having Medicare pay for that? It just doesn't seem like a very smart investment on behalf of the taxpayer.

Mr. MURPHY of Connecticut. Listen, it's the reason, Mr. RYAN, why AARP has come out so strongly in favor of this bill, because they know that this is a good bill for seniors. Now, a lot of Democrats disagreed with the fact that AARP came out and supported the Medicare prescription drug bill when it did, but it, frankly, shows that this is a group that, when they think it's right for seniors, is going to support it whether it's a Republican or Democrat proposal. Because I've heard a lot of Republicans and conservative talk show hosts come out and say, Well, the AARP endorsement doesn't mean anything. They're friendly to Democrats. Well, they endorsed the Medicare prescription drug benefit, which was, I think, voted on almost solely by Republicans. So whether we agree or disagree with their support for that, they've played both sides of this debate.

But AARP supports this bill because it gets rid of the doughnut hole. Now it takes a little while to fully get rid of it, but on day one after this bill is passed, the size of the doughnut hole gets reduced by \$500, and for every senior that walks into the pharmacy when you're in that moment of exposure, the cost of a brand name drug is going to be cut in half. Every single brand name drug for seniors in the doughnut hole gets cut by 50 percent immediately with the passage of this bill.

When you walk in to get your check-up, no longer does any senior have to come up with money out of their pocket. Medicare is going to pay for that now, because we know it just makes sense to have no barriers to preventative health care for seniors.

So AARP, joining the American Medical Association, joining Consumer Reports, joining dozens of other specialty physician groups out there, has supported this legislation because they see the benefit for that senior that you're talking about on Medicare part D and millions more.

□ 1730

Mr. RYAN of Ohio. The idea here is that this is how this bill will extend Medicare's life an additional 5 years, in part because of cost savings and a variety of others. But we are going to have healthier people going into the Medicare program. Right now we have people that are 55, 60 years old, and we see a lot of them in our communities, the older manufacturing communities. You work until you're 55, you work until you're 60, and then all of a sudden, the company goes bankrupt or they lay you off or they move the factory to Mexico or to China or whatever the case may be.

I have met several of them, have talked to them on telephone town halls. One woman I remember in particular was 60 years old. She did not lose her job, but lost her health care coverage. The company could no longer afford it. So now she is 60. She makes \$32,000, \$35,000 a year, can't make it, can't afford health care coverage. She said, I'm going to wait until I get on Medicare. So here you have someone who is 60 years old, probably has some issues because everybody at 60 has issues. Now a physician won't manage those problems that she has. She is going to go without any care, any treatment, any kind of management whatsoever. So she is going to go into Medicare at 65 much sicker than she would have went in if she had decent health care where her problems could have been managed and not become chronic to the point where they could cost the Medicare system thousands and thousands, tens of thousands of dollars, hundreds of thousands possibly, depending on what the issue is.

So you have a healthier person going into the Medicare program that's going to extend the life of Medicare. What kind of system is this, 60 years old, you have worked your whole life, and they say, Sorry, you're on your own; we will pick you up at 65. Thanks for everything. You lost your health care. That is not right. That is not right, Mr. Speaker, and that is what this whole program is trying to fix.

Mr. MURPHY of Connecticut. I will just add one last thing, Mr. RYAN. The people we're talking about—you know, the stories that we're telling, I don't think you or I know whether these people that have approached us are Republicans or Democrats. I have no idea whether that guy who had to drain his entire college savings watches MSNBC or watches FOX News. I have no idea because health care crises, health care-caused bankruptcies strike Republicans and Democrats, liberals and conservatives, people on the left and people on the right. This is a nonpartisan, nonpolitical issue.

Maybe I was naive when I came here a couple of years ago, but I just thought that there was going to be a way with 50 million people uninsured, with health care costs rising 120 percent for the average small business in this country over the last 10 years,

with bankruptcies caused by medical costs on the rise. I just figured that there would be a way for Republicans and Democrats to get together on this to say, Let's do something. I think for the longest time, I believed that there was still going to be a chance for Republicans to come to the table here. I don't want to believe that the Republicans' opposition to this bill is just about political gain. I don't want to believe that the reason that Members come down here and oppose every single thing the Democrats want to do and then propose an alternative bill that was a joke—which actually left more people uninsured at the end of its life than had the bill not gone into effect—I just don't want to believe that, but there is mounting evidence of that case.

So listen, this thing is not over, Mr. RYAN. We're going to continue to come down here and press the case for reform. We're going to continue to come down here and press the need for both parties to be part of this compromise, to be part of this solution. But it is increasingly apparent that there is only one piece of this House and one piece of the Senate that is really pushing to get this done for the American people. I wish that wasn't the case, and we'll continue to try to press for a change, Mr. RYAN.

Mr. RYAN of Ohio. The bottom line is this, the Business Roundtable, the top CEOs in the United States, say that our provisions in this bill will save them as much as \$3,000 per employee by 2019. The top CEOs in our country are saying that this is going to be the case.

But as we wrap things up here, Mr. MURPHY, let's use some good common sense here. We're going to take 30 million people who wait until they get absolutely deathly sick and then go to the emergency room off and out of the emergency room rolls, get them preventive care, solve problems of \$20 prescriptions instead of nights in the hospital, and reduce health care costs overall. Eliminate costs for preventive coverage so people in Medicare and others actually get preventive coverage as well.

Help by raising taxes on millionaires and take some of that money to give health care credits and subsidies to middle class people so that they can afford their health care, get preventive care, stay healthier and become more productive. It all makes a great deal of sense. We're saying to parents that your children can stay on your insurance until they're 27 years old. We're saying that you can never be denied insurance coverage because you have a preexisting condition. You can't be kicked off your insurance because you get sick. You can only spend out of pocket 12 percent of your annual income so that you don't go bankrupt like 1,700 families went bankrupt in the 17th Congressional District of Ohio last year.

Extend prescription drug coverage to seniors throughout the year, not any

kind of stoppage in the middle of the year, and make sure that we extend the life of Medicare by 5 more years because of these reforms. This is basic bread-and-butter commonsense reform. This is not the radical kind of reform our friends on the other side want people to believe. It's not what Glenn Beck and Rush Limbaugh and all the scare tactics, "The government is coming to take you over."

It's not any of that. It's basic reforms that the American people want. And, lastly, let me just say that people still continue to talk about this being an issue of freedom, and our friends on the other side keep saying that this is about liberty and freedom. You know what, I agree with them. The person that goes bankrupt because they can't afford health care is not free in the United States of America, and the person who pays tons of money into the insurance industry and doesn't get any coverage, that doesn't seem like you're very free. When you're sick and you can't afford a doctor, you are not free.

Let's talk about freedom in 2009 and 2010. It means being healthy, productive, getting what you pay for and being able to support your family and your business. That's freedom. How free is a businessman who has got to pay a 30-percent increase in health care costs every year? It doesn't seem very free to me.

So, Mr. Speaker, we'll continue to talk about this and jobs and other issues that are facing this country. We appreciate the opportunity to be here.

#### HEALTH CARE

The SPEAKER pro tempore (Mr. TEAGUE). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. It's my privilege to be recognized to address you on the floor of the House of Representatives here tonight along with my colleagues that I have had this great honor and privilege to serve with throughout these years and this 111th Congress. I sat and listened to my friends on the other side of the aisle as they began to talk through this health care debate, which we have addressed, I think, quite a great deal over the last couple of months. No longer is it a legitimate point that we haven't had an adequate time to debate, although I don't know that there is anyone in this Congress that can read and digest 1,990 pages and then read the amendment that was 40 pages long that turns this into a 2,030 pages national health care act that affects every aspect of our lives.

This is not just nanny state, cradle to grave. This is conception to natural death or euthanasia, depending on which component of the bill one chooses to apply. There are carve-outs for euthanasia. There is at this point a Stupak amendment that is part of the bill, a Stupak-Pitts-Chris Smith

amendment that is a pro-life amendment and is very valuable to me and many others.

However, there are grave concerns about the broad implications of this bill and the components of it that run anathema to the American Dream.

I will just address some of the things that the gentlemen spoke of in the previous hour. One of them is that Republicans allegedly sat around and did nothing while they were in the majority. We had a narrow majority, and we did something. We pushed an agenda that was seeking to improve health care in this country and reduce or eliminate the necessary burden on health care.

I made the point that we passed lawsuit abuse reform in this Congress. I believe the year was 2005. The lawsuit abuse that was passed was worked through the Judiciary Committee where I sat and where I participated in that language, and we modeled this after, of all places, a California initiative. Since that time, Texas has taken up the charge of reducing lawsuit abuse on medical malpractice in Texas. The doctors that were exiting the State have now turned around, and many of them have moved back to Texas and started their practices and other medical providers and practitioners have come into Texas.

Now they do have an adequate supply of doctors, nurses and other medical practitioners that are there. But the cost that was diminished by the gentleman from Ohio, the cost of lawsuit abuse, even though the bill that was offered by leadership scored at only \$54 billion, to the gentleman from Ohio—1 percent, he said, of the overall health care costs—I don't know about that number. I didn't run those numbers. It doesn't seem to me, Mr. Speaker, that \$54 billion is a minuscule amount. It doesn't seem to me that \$54 billion is loose change. It doesn't seem to me that \$54 billion is pencil dust.

Mr. Speaker, \$54 billion is real money, and \$54 billion is, though, a small percentage of the overall cost of lawsuit abuse when it comes to providing health care in America. Here are the numbers that emerged when one looks into the underlying costs of the lawsuit abuse. And the score that could come from the Congressional Budget Office cannot include all of this because they simply can't score some of the actual costs that don't index directly into the lawsuits themselves.

It works like this: there are high costs in premiums that doctors and providers are paying, especially OB/GYN doctors, and access to those doctors and services is getting more and more limited. There are also costs involved with the litigation, costs involved with the settlements, whether they are in-court or out-of-court settlements.

One might think that that's all the costs of the lawsuit abuse that is part and parcel of the overall costs of health care. But an even greater cost is the

cost of unnecessary tests and procedures that are undergone by patients in this country directed by doctors in this country to avoid lawsuits, to protect themselves in the event of lawsuits, to minimize the risk and to also hold down their premiums for malpractice. So the cost overall of medical malpractice, the abuse of lawsuits for medical malpractice in America, the cost of the malpractice premiums coupled with the cost of the litigation, coupled with the cost of settlements both in and out of court, coupled with the unnecessary test tests, the defensive medicine that nearly every practitioner practices, whether it is something they can actually identify or whether it's a subliminal shift in their policy, all of those things together, the lowest number that can be applied is not 1 percent, to the gentleman from Ohio. The lowest number I can find out there by anyone's logical representation is 5.5 percent. The number that I trust the most is the 8.5 percent number that comes from the health insurance underwriters representative. And 8.5 percent is a low number.

Some of those numbers go up to 10.1 percent and on up into the 20s, 24, 25, 28 and even 35 percent of overall health care costs. Now I won't range up in there into that one-fourth to one-third of the overall costs because I think that's a harder number to defend, although it may be true. But I do believe that I'm on very solid ground defending 8.5 percent of overall health care costs going to either premiums for malpractice, trial lawyers, those settlements or defensive medicine. Out of the overall costs of providing health care to America, 8.5 percent comes to \$203 billion a year. That's only 1 year. This bill gets scored over 10 years.

□ 1745

So, that \$203 billion over 10 years exceeds \$2 trillion, \$2 trillion in the aggregate costs of premiums and litigation and settlements, unnecessary settlements. We're going to keep everybody whole. Those who are the unfortunate who are, I'll say, victims of medical malpractice, we're going to keep them whole. We're going to make sure that their medical costs are paid for and their loss of income are paid for and there's pain and suffering there, but not the noneconomic damages, not that component that goes off into \$7 million for spilling a cup of coffee on one's lap at McDonald's as happened, and I understand that that was negotiated down and reduced after the fact.

So, 8½ percent of our overall health care costs going for lawsuit abuse. And we can reform a lot of that. We can reform a lot more than \$54 billion of it, and it totals in its aggregate over \$2 trillion, which in and of itself is enough to, according to the CBO, pay for NANCY PELOSI's socialized medicine plan, Mr. Speaker.

I think this puts it in a perspective that's far more legitimate than was offered by the previous gentlemen in the

previous hour, who also announced that if you make less than \$89,000 a year, you're going to get a subsidy for your health insurance; \$89,000 a year. And we're going to subsidize health insurance for people making \$89,000 a year? Are they also going to be paying the alternative minimum tax, I wonder, Mr. Speaker? I suspect there will be many families if that is the case.

We saw what happened when the majority sought to change the SCHIP legislation, that State Children's Health Insurance Program that provides health insurance premiums for low income—kids in low-income families. That passed in about 1997. I remember implementing it in about 1998, when I was in the Iowa State Senate, at 200 percent of poverty. The States could have adjusted that to some degree. Two hundred percent of poverty is the part that I supported. And I come to this Congress and the first effort on the part of Speaker PELOSI was to change the SCHIP program to 400 percent of poverty, to fund health insurance premiums for children in families of four that are earning at 400 percent of poverty in my State, with the exemptions that were directed by Governor Culver, that meant that families of four making \$102,000 a year could have their health insurance paid for by the taxpayers, the taxpayers who presumably, many of them are making less than \$102,000 a year.

And that seemed to me to be an outrageously high income to have the health insurance premium subsidized by the taxpayers and the Federal Government. Since that time this voracious appetite to share the wealth, to take from those who have earned and invested and established capital, those, a lot of them whose investments are the investments that facilitate the creation of jobs, or they create the jobs themselves, scoop from that capital and distribute that to those who make less, takes away the incentive from those who make less to make more.

Why would anyone go out and take a risk and invest capital and start a business and employ people and create goods and services that have value to this economy, if they're just going—the Federal Government's just going to go in and tax your income, keep you from establishing a capital base so that you could grow that kind of a business and grow the jobs and take the money that you earn and funnel it over here, and to take the position that if you make \$88,999 a year, Uncle Sam will cut you a check. And that check will go to—as long as you invest it in health insurance for your family, health insurance for your kids—they're already covered, aren't they? Because this Congress passed ultimately at 300 percent of poverty, so that lowered that number down to \$70,000, something like that, in my State.

But speaking of 70,000, that happens to be exactly the number of families in America that would qualify for Federal funding for the health insurance pre-

miums for their children who also paid the rich man's tax, the alternative minimum tax; 70,000 families in America would have health insurance premiums for their children paid for by the taxpayer.

Meanwhile, they're writing an extra check for the alternative minimum tax because they make too much money in the eyes of Uncle Sam. Seem a little paradoxical, Mr. Speaker? Does it seem a little bit inconsistent? Does it seem a little illogical? Well, it is government, after all, and it's getting more and more illogical as time unfolds. But the statement that Republicans did nothing is not a factual statement. It's not even an opinion. It's a fact that Republicans in this House passed reform legislation in several different categories, and it was fought every step of the way by Democrats.

And by the way, when it did get out of this House, in spite of them, then it was blocked in the Senate. I said at the time on the malpractice, the lawsuit abuse reform, that the block that took place in the Senate was the result of the Senate being a wholly owned subsidiary, presumably, of the Trial Lawyers Association in America. Since that time, that investment seems to have paid off in the House of Representatives, and today, we have a House of Representatives that does not have one dollar worth of lawsuit abuse reform in a 1 to \$2 trillion socialized medicine plan.

Now, how could any group have such influence on the House of Representatives and presumably still, and I think even more so, in the United States Senate, that \$2 trillion in the aggregate of abuse and cost in our health care in America, over this period of 10 years, more than \$2 trillion, and we can't find one dollar worth of savings in lawsuit abuse reform, not one dollar in this bill that is a bill that was sent to this floor by Speaker PELOSI. Not one dollar. And yet, the same people can advocate for cutting Medicare reimbursement rates by half a trillion dollars, almost \$500 billion, taken out of our Medicare reimbursements, Medicare reimbursements that only pay 80 percent of the cost of delivering the services.

And the cost of delivering the services is not a cost that's calculated by the providers, by the health care practitioners, by the doctors and the nurses and the hospitals and the clinics. No, this cost of delivering the services is a number that's produced by Medicare itself. And then it gets a .8 multiplier across that number, and that's what they pay at Medicare. And so the White House has taken the position that there is waste, fraud, and abuse in our Medicare, and they're going to ferret that out. And they found some 10s and 20s and more billion dollars they've said of savings.

These billions of dollars of savings that they can provide to reduce and eliminate waste, fraud, and abuse in Medicare seem to be a bit amorphous. It's hard to identify this and, in fact,

the White House has said, well, we know it's there. We are going to go in and help pay for socialized, I put that in quotes when I say it, Mr. Speaker, "their socialized medicine plan," by reducing and perhaps eliminating waste, fraud and abuse in Medicare reimbursement.

So what do they do? They cut \$500 billion, a skosh less, but \$500 billion, half a trillion dollars, out of Medicare reimbursement rates, and then have not put their finger on where the abuse is, where the fraud is, where the waste is. It's just, trust us, we know what we're doing.

It reminds me of a Saturday night sitcom that I used to watch occasionally. And it was called Sledge Hammer! Sledge Hammer was a detective, and he had a sidekick named Dori Doreau. And they would go through a half-hour routine of criminals doing bad things, investigating them, and near the end of the show, something would happen such as Sledge Hammer would fall down the escalator, something would go up the escalator, tip off the railing, and it would go through this Rube Goldberg menagerie of calamities, and when the dust had settled, somehow Sledge Hammer was laying on top of the criminal and somehow there was a miraculous ending. And he would get up and say, Well, I told you, trust me; I knew what I was doing.

Well, I have about that level of confidence in an administration that would tell us they're going to find tens of billions of dollars in waste, fraud and abuse, but they can't point their finger at it. And they just simply say, Trust us, we know what we're doing. And if you pass this national health care act then we will go into action and save this money to pay for it. But if we don't, do we actually have an administration that's willing to tolerate tens of billions of dollars on their alleged waste, fraud and abuse in Medicare? Are they holding the right to a legitimate integrity and fiscal responsibility in our government? Are they holding that right to a legitimate responsible government hostage to a bill, a bill that's socialized medicine?

And so if we pass this socialized medicine bill, the Senate and the conference report, and it goes to the President, whom I believe will sign anything that says national health care in the title—if we do all of that, then we get to find out this great secret in the White House: Where is all this waste, fraud and abuse in Medicare? I can tell you it's not in any significant amount in my district, Mr. Speaker. And I can tell you that because the providers that I have are getting significantly less than it costs to deliver that service.

In Iowa, we not only are the lowest State in the union in Medicare reimbursements rates, but we also provide consistently some of the highest quality outcomes by the consistent measures that come out. Iowa ranks in the top five time after time after time in

practice after practice and then in the aggregate and the composite. Often number one, more often number two. But we're in the top five consistently in the outcomes, medical outcomes.

And yet, we're the lowest in the Nation in reimbursement rates. And Iowa is, and I can say this with great confidence, the very best combination of cost and quality of health care delivered in the State, but the lowest reimbursements rates in the Nation. And now the White House wants to cut half a trillion dollars from Medicare reimbursement rates. And my State, I believe, is the most senior State in the union. We have the highest percentage of our population over the age of 85 of all of the States in the union. That includes my mother.

And in my district, the 32 counties in western Iowa, of the 99 counties in Iowa, and among the 32 that I represent, 10 of the 12 most senior counties in Iowa are in the Fifth Congressional district, the district I represent. And so I believe I represent the most senior congressional district in America. Punished, presumably, by a half a trillion dollar cut in Medicare, based upon the very questionable and doubtful allegation that there are tens of billions of dollars of waste, fraud, and abuse in Medicare.

I'm convinced it exists, Mr. Speaker. I think it exists in some of the large cities in the country, and I think it should be relentlessly and persistently rooted out. And we should take those criminals and we should do the perp walk with them, and we ought to get them locked up in prison where they belong. But you don't hold a principle that the American people have a right to, which is legitimate law enforcement and the elimination of waste, fraud, and abuse, you don't hold that hostage to an ultimatum that we've got to pass a national health care act, socialized medicine, in order to have good government.

Good government is a right of the American people, and the American people need to demand that right. With the promise that, or the allegation, made by the gentlemen in the previous hour, that Republicans don't have any solutions—in fact the President himself has said Republicans don't have solutions. That statement was never supportable by fact. There have been at least 42 pieces of legislation, some of them comprehensive, introduced by Republicans in this 111th Congress alone. And the difference is we have logical, rational, free market freedom solutions that do not interfere and, in fact, heal up to some degree, the relationship between doctors and patients.

And here are some of them. I talked about ending lawsuit abuse. The next one is to provide for people to buy health insurance across state lines. For example, a young man, 25 years old in New Jersey, would pay approximately \$6,000 for a health insurance policy that, if he could buy it in Kentucky, across the state lines, would cost him

around \$1,000. And yes there is a difference in mandates. And that's part of the difference. But they have put so many mandates on the health insurance premiums in New Jersey that you don't have those kind of options. And because of the regulations and the burden and the cost, and maybe, just maybe, the White House could be right on some waste, fraud, and abuse up there. I'm looking forward to working with their Governor-elect as he becomes Governor and maybe we can help root out some of the waste, fraud, and abuse. And I'd like to see New Jersey rewarded for doing that.

But, if people in America can buy insurance across state lines, and that \$6,000 policy for the 25-year old man in New Jersey becomes a \$1,000 policy for the 25-year old man in Kentucky, that dramatically reduces the cost of health insurance premiums in America.

Another thing that dramatically reduces the cost of health insurance premiums in America is when people have access to, and can afford to purchase safely, catastrophic health insurance. Catastrophic is an essential component of health insurance, and that works in this way, especially when we have health savings accounts. Those health savings accounts that when we passed the HSAs in 2003 in this Congress, and it was enacted into law, if a young couple—and I did this in round numbers—so at age 20 had invested the maximum amount into their HSA for that annual year, \$5,150 for a couple, say, at age 20, and they maxed out each year—it's indexed to inflation—and spent \$2,000 in real dollars out of that in legitimate health care costs and accrued that at 4 percent, and when I did this math it was a logical thing, and it will be a logical thing again to accrue those investment HSAs at 4 percent.

□ 1800

Throughout the 45 years of their working life when they arrived at Medicare eligibility rate having invested the maximum into the HSAs for that period of time and spent \$2,000 a year out, they arrive at retirement with a health savings account of \$950,000. Maybe it accrues it a little bit better. Maybe they spend a little bit less. But I am thinking in terms of well, sure, \$1 million; a million dollars in an HSA.

And what is the Federal Government's investment in that, Mr. Speaker? Well, the Federal Government wants to tax that million dollars. The government doesn't want people to have that money for any use of their own discretion when they arrive at Medicare eligibility age.

I will submit that we want people to invest in a retirement account. We want them to manage that retirement account to include the whole continuum of their life, through an HSA, into a pension fund. I'd like to see them make that investment and manage their health and watch their diet, get their exercise, do the annual check-

ups, and be able to save those costs, those high costs of health maintenance by good health practices, see their premiums lowered because of it and see them rewarded by a growing health savings account so they can arrive at retirement with, let's just say, \$950,000 in that account.

Now, the liability that the Federal Government has today in today's dollars, to be fair, Mr. Speaker, when someone arrives at Medicare eligibility age, that means the cost of that entitlement for the balance of their life actuarially is about \$72,000 per individual.

So, if you have a couple that arrive at retirement today, the liability that the government accepts—which is taxpayers' money in Medicare costs—is about \$144,000 for that couple to take care of their health care needs for the balance of their life starting at age 65. So the difference is roughly \$800,000 and then adjusted for inflation of that liability itself.

But Mr. Speaker, why wouldn't this Congress want to encourage people to invest in their health savings account and grow that health savings account and provide incentives for healthy practices, both exercise and diet and checkups, so that that health savings account became a retirement fund? And why wouldn't we at least, at a minimum, offer them that if you can arrive at retirement and Medicare eligibility and be able to purchase a Medicare replacement policy that would take that individual or couple off of the entitlement rolls, why wouldn't we then tell them, Keep the change, Mr. Speaker? Why wouldn't we say to the American people, Take this nest egg that you have managed and earned throughout your working life and use it to travel the world, retire on, give yourself a monthly pension to add to the other pension plans you might have—presuming Social Security is still there—add that to Social Security or will it to your children. You own it. Why would we want to keep people dependent upon a government program that will end up rationing health care?

By the way, we are already there, Mr. Speaker. It was announced today that there's a government directive that went out. A panel, a health care advisory panel, that women should delay their mammograms until age 50 and then have those mammograms not every year but every other year, because there's too much anxiety involved in having those tests done every year and that anxiety is a factor that factors in.

Think about this, Mr. Speaker. Is that really it? Or is this a Federal directive that ends up rationing health care? What about that 41-year old woman who ends up with breast cancer and doesn't get a test until its too late? What about the difficulty of treating that disease of breast cancer when it goes beyond that point where it can be handled without radical surgery?

We have a directive that came out from the Federal Government that delayed by 10 years a recommendation that women get mammograms and spaced those mammograms out from 1 year to 2 years. So now 50-year-olds getting a mammogram on their 50th birthday, their 52nd, 54th, 56th, and on. That cuts more than half of the costs of the mammogram tests, breast cancer tests, that are going on in this country if everybody follows that directive.

I would suggest that the Federal Government ought not be giving those kinds of recommendations. But I will submit, Mr. Speaker, that this is a little preview, a little window into what the Federal Government would be doing if this socialized medicine bill should find its way through the Senate, through conference, and off the floor of the House and Senate and to the President's desk, where I am convinced he will sign anything that has a title on it that says "national health care." This is just a little preview of what we will see.

We will also see rules and regulations that will come down that are hard rules, not just recommendations. It will be the Federal Government is paying for this so that means you don't get a hip replacement if you're over a certain age, or a knee replacement, or certain tests, or certain cancer treatments. They will declare "end of life" to be something different than the families and the individuals consider it to be. It has happened in every country that has socialized medicine. And many of the people there just simply capitulate.

A number was published the other day that 4,000 babies are born in Great Britain in the hallway and not in the OB section because they don't have room because the rationing of health care and the lack of practitioners causes women in labor to back up in the hallways and have their babies there rather than in the delivery room. That is just one piece of data for one country that is significantly lower in population than we are here in the United States.

So I have suggested two things the Republicans are for: ending lawsuit abuse, allowing for the purchase of insurance across State lines.

The third thing is to provide for portability. Let people own their policy so when they leave their job or move from their State or whatever that change in their life might be, that it is their policy, they get to take it with them, and they own it, and that will give them the freedom and mobility from job to job; freedom to be independent, to start a business, freedom to manage their own health care.

Another component of this, Mr. Speaker, is 100 percent full deductibility of everybody's health insurance premiums. That's also something that I'm confident would be ridiculed by the other side of this argument. A hundred percent full deductibility.

Now, why would it be that in America, a corporation that's hiring people can offer them a package of salary and benefits plan, write off that salaries and benefits plan as if it were wages, 100 percent before taxes, an above-the-line write-off. I mean, that's all right. But why, then, would it not be the case for a sole proprietor, for a partnership, for an LLC—unless they took a salary out and incorporated in order to take a salary out and deduct those premiums—an individual or partnership cannot deduct in the same fashion 100 percent of the overall health insurance premiums like a corporation that has employees can?

Now I am going to suggest—and I think it is a fundamental principle here in America—that if anything is deductible for any entity, it ought to be deductible for every entity. I can't think of a single exception that tells me that that would be wrong.

So I will take this position—and I have—that if corporation X, Y, or Z can deduct a premium for a Cadillac plan or an average run-of-the-mill health insurance plan, if they can deduct a hundred percent of that premium, so should self-employed Joe the plumber, or John and Mary the farm operation, or the gas station people, anybody else that's out there; or an individual who is working for a wage for an employer that's not providing health insurance and wants to go out on the market and buy their own. I believe that that premium should be 100 percent deductible. If we did that, just simply provided full deductibility, that, Mr. Speaker, will insure another million Americans. And that gives us equity in this deductibility.

I talked about HSA expansion. We also need, Mr. Speaker, transparency in billing.

We have today cost-shifting going on in the health insurance industry and the health care industry, and when you have Medicare reimbursements that are coming in at significantly less than the cost of delivering that service, the cost of delivering the service at a minimum, along with some profit from profit margin—which is a good thing; it's an incentive for people to do well and a reward for those who are out there providing some of the best services and especially the innovative services—but the cost-shifting takes place when Medicare doesn't pay it all, it goes off onto some other entity, whether it be a private health insurance provider or whether it be an individual that might be self-insured. There are also the cases, I understand, of those that are uninsured.

But we need transparency. We need to be able to take a look at these billings, and I am not interested in the names of the patients. But I am interested in the names of the institutions and the consistency or lack of consistency in the billing procedures.

I believe that if you're going to get a hip replacement in San Francisco, then those people who would get that hip re-

placement from that provider in San Francisco should pay the same price. They should be billed the same price and there should be a legitimate attempt to collect the same price. I believe that if Bill Gates goes into the hospital and gets a hip replacement and Steve King goes in and gets a hip replacement, and Joe the Plumber goes in and gets a hip replacement, it's all the same procedures from all of the same providers; it all ought to be the same bill.

If we did that, if we had transparency, that will bring together and reduce the cost-shifting because the American people will understand that they have to go shopping, they have to negotiate, they have to advocate, and if they have their health savings account that they're managing, they will have an incentive then to negotiate for a health care cost and outcome that's favorable to them and consistent.

But instead, we patients in America, we are a lot like sheep. We get led into health care, and when we get sick, most of the time, much of the time, the patient in America doesn't pay the bill. They're not concerned about the cost. They simply show up at the clinic and the doctor examines them and says, All right. Now you need to go to a specialist here, here, and here. Run these tests. You show up at the hospital, the surgery is performed, if that happens to be what is ordered. And they generally heal up, they get great care and go home. And some don't address the bill at all. Some of them look at it but they know somebody else is paying the lion's share of that bill, and they're not concerned about the overall cost of their health care.

Therefore, if an aspirin costs 20 bucks, they're not going to raise the issue. But if it is coming out of their pocket, if they're negotiating this, if they're trying to hold together the nest egg of a health savings account, then they're going to look at the cost; and they will look at the transparency in billing, and just the transparency itself will be a restraint from the cost-shifting. And the cost-shifting is kind of a big, not much spoken—not completely unspoken—but not much spoken problem that we have with health care in America.

Four, association health care plans. This is Republicans. And this is legislation that we moved also through this Congress—that was blocked by Democrats—that allows people of professions to join together and bargain and negotiate and buy insurance packages within their professions. So let's say the plumbers get together and they negotiate; the accountants get together and they negotiate. In a similar fashion where credit unions exist and they have a membership that fits the definition, we can let people buy health insurance in the same way, by associating and buying health insurance.

And a piece of this that I have briefly mentioned that needs to also be strongly sustained in this health insurance

debate is catastrophic insurance. Catastrophic insurance is that insurance that as our health savings accounts grow, we end up with a nest egg.

I gave you a description, Mr. Speaker, of how a young couple arrives at \$950,000 in their HSA at the age of retirement. But let's just manage this in terms of \$5,000, \$10,000, \$20,000, maybe \$50,000 in an HSA. Now, if I am a young family and I happen to have been maybe working for 5 years and have been able to accumulate \$20,000 in my health savings account, I am pretty comfortable to negotiate the lower premium with a \$5,000 deductible or even a \$10,000 or a \$15,000 or a \$20,000 deductible. That takes the premiums down dramatically and it provides an incentive for an individual to pay out-of-pocket for their minor health care costs, or pay out of the health savings account for the minor health care costs but to keep that nest egg intact. And instead of paying that higher premium, that premium that, by the way, if you're 40 years old in a family of four in Indianapolis, for example, that family would today be paying about \$535 a month for their health insurance.

Now, if you could raise that deductible and raise the copayment component of it, then that premium would go down and the savings would be something that goes back into—and at least figuratively if not literally and may be literally—the health savings account.

The incentive for people to manage their health insurance premiums and the incentive for people to grow their health savings account needs to be expanded, not eliminated.

But I haven't met anybody who can point to this health care bill, this 1,990-page monstrosity with a 40-page amendment, that can tell me that health savings accounts can even survive this bill in itself.

□ 1815

Mr. Speaker, I have listed through here Republican solutions, and STEVE KING solutions for health care. Some of these we have passed out of this House. It is false to say Republicans have done nothing. The record is replete with legislation that has passed the House of Representatives and legislation that has been introduced into the House of Representatives, at least 42 bills in this Congress, all blocked by Democrats, all blocked by the Speaker of the House.

These logical solutions that I have listed, including ending lawsuit abuse, buying insurance across State lines, providing for portability, providing for full, 100 percent deductibility of health insurance premiums, expanding health savings accounts, providing for transparency in billing, providing for association health care plans, and protecting catastrophic insurance, all of those are Republican principles. Many of those have been blocked by this Democrat Congress.

And I think it is not a question of whether Republicans have ideas. We have all kinds of ideas. We have moved

some of them. Democrats have blocked all of them. Why did they do that? Why did Democrats block logical, free market, freedom-loving solutions to health care? Because their crown jewel is socialized medicine, 1,990 pages of socialized medicine that took months to leverage and arm-twist to get just barely enough votes to squeak by in the House of Representatives.

Those are the facts. And this bill provides some really ugly things that happen to the American people. For example, here are some real numbers, Mr. Speaker. A healthy, 25-year-old male in Indianapolis today would pay about \$84 for a health insurance plan. This is a typical plan. The same plan under the bill that passed the House, the premium would go to \$252 a month. That is a 300 percent increase in the premium. It triples the premium for that young man.

Now, why would we triple the cost for people who don't have a lot of risk and a lot of liability, especially if they are at the entry level of their income? And we are raising the costs on people at the lowest level of their income. You go around to the other end of this, and if you take a couple that is roughly 60 years old that have some marginal health, I will say a less healthy 60-year-old couple in Indianapolis, they would be paying about \$1,169 a month for a similar health insurance plan. That adds up pretty good over a year. And their premium under this bill would actually be reduced about 11 percent down to \$1,043. Now maybe that makes a difference to that older couple. Presumably, though, someone at 60, they will be making more money than they did when they were 25. They will be making more money than that 25-year-old that sees his premiums tripled so we can reduce the 60 year olds by 11 percent.

This is a transfer of wealth in America, a transfer of risk and liability. And by the way, that 40-year-old family with two children, a family of four, mom and dad around 40 years old that are paying \$535 today in Indianapolis, would be paying \$1,187 under this new bill. That is a 221 percent increase in the premium.

That should tell us what is going on, Mr. Speaker. These are bad things for America.

I am going to go down through a little bit of this. Here are the principles that have been laid out by the President.

He argues that the economy has been and remains and he would argue that it has stabilized somewhat in a downward spiral, that we are in an economic crisis. This is part of the dialogue that we have heard over the last year and a half or so. He has said that we can't fix the economy unless we first fix health care. Does anybody remember that? We can't fix the economy unless we first fix health care.

What is the problem with health care? Two things. According to the President, we spend too much money

and we have too many uninsured. Now, we spend too much money is the allegation because it is being pointed out that a lot of the industrialized world will spend an average of about 9.5 percent of their gross domestic product on health care. We will spend about 14.5 percent. Some will give you a number that it goes up to 16 percent and maybe a little more. I am comfortable with the 14.5 percent number.

I am not here to argue that we do not spend too much on health care. I think we spend somewhere around \$203 billion a year unnecessarily when it comes to lawsuit abuse in America. So that is a number that I would subtract a large share of that from the cost of our overall health care before I get down to we are not spending too much. But we also make more than those countries that are spending 9.5 percent.

We have the best health insurance industry in the world, and we have the best health care delivery system in the world with the best individual outcomes for practices in the world. And they will argue that there are civilizations, societies, countries, cultures with policies where people live longer than they do in the United States. They don't seem to want to dig down and ask why.

First, just a couple of months ago we got the announcement that the life expectancy of Americans has been readjusted upwards 2 years. Two years. Now the numbers that are being quoted by the other side, by the Democrats that are pushing socialized medicine, they don't take into account that adjustment in the extension of the life expectancy.

They will argue that our infant mortality rates are higher than a lot of the rest of the industrialized world. I will argue, Mr. Speaker, that we count the babies that die. We have a more accurate data system and reporting system than most, if not all, of the other countries, so our infant mortality is going to be higher than it is going to be in countries that don't record the infant deaths.

These are not measures of the health care system unless you drill down into it and come up with a reason as to why, if there is a society that lives longer, who are they and why. Do they abuse substances less? When you subtract the fatalities from car accidents and suicides, perhaps, and those that are dying from other kinds of accidents, are we a more active society? Once you make those adjustments, I don't believe it holds that Americans don't have the kind of life expectancy that competes with any country in the world. I believe we do.

And I believe we have, again, the best health insurance industry in the world and the best health care delivery system in the world. But the President has been very critical of our costs and our uninsured.

So aside from the costs, the other point is too many uninsured. Well, the uninsured in America are on this chart,

Mr. Speaker. It comes out to be this. Their number is 47 million; 47 million uninsured.

Now, if we just accept that number, that sounds like a lot. We have to ask the question: Who are these 47 million? Well, first of all, it does include 9.7 million who qualify for a government health insurance program, mostly Medicaid, but don't bother to sign up. So that is 9.7 million.

The second number are there are those who qualify for an employer-based plan but don't bother to sign up. That number is somewhere around 6 million.

And then those who make over \$75,000 a year, that is around 6 million.

Those eligible for government programs, 9.7 million. It shows 10 here.

Eligible for employer-sponsored, 6 million.

Then you have those undocumented, noncitizens, about 6 million, and then there is another 4 million who are legal immigrants but are barred by law from government programs. So altogether, illegal aliens and immigrants are around 10.1 million.

When you subtract these numbers, illegal aliens and immigrants, from the 47 million, those who qualify for Medicaid from the 47 million, those who qualify under their employer and don't sign up, and those who make over \$75,000 and don't bother to buy any kind of health insurance program, now you are down to Americans without insurance who do not have affordable options. That is 12.1 million. I like my other chart better. The number is 12.1 million.

So 12.1 million Americans without health insurance and those without affordable options is less than 4 percent of the overall population of the United States. This is how this breaks down in these categories, and this yellow-orange segment is the segment of the overall 47 million uninsured that don't have affordable options.

Now, this piece right here, Mr. Speaker, I will put this on the broader chart of the overall American population. This is the population of the United States at about 306 million. You can see that 84 percent of Americans are insured, and 85 percent of Americans are happy with the policy and the program that they have.

So it is the vast majority of Americans, these little pie slivers up here go down through this category. The yellow and black are illegal immigrants and aliens. And, Mr. Speaker, I am not for providing health insurance programs for illegals. If they broke into the United States and violated our laws, I am not going to set a carrot out there and reward them for breaking our laws and giving them taxpayers' money and handing them a health insurance policy. That is what some people like LUIS GUTIERREZ and others are for, and MIKE HONDA of California are for. STEVE KING is opposed, and I will stand in opposition of socialized medicine and funding illegals under that

program. But that is what these slivers are here, the yellow and the black.

Then this orange piece here, these are the individuals earning over \$75,000 a year. I think they can find another solution other than a subsidy from taxpayers in the market system.

And the green are those eligible for a government program, these 9.7 million who just didn't bother to sign up for Medicaid. We don't need to provide for them. It is already there. They will get coverage whether they sign up or whether they don't, but we can't solve it with this solution.

Then those eligible for employer-sponsored plans, about 6 million, and they don't bother to sign up or opted out.

So you are down to this 4 percent. This red one here is the only one that I am concerned about, 12.1 million Americans out of 306 million, less than 4 percent of our population, and for that, for this red sliver, Mr. Speaker, Democrats have a magical solution for too many uninsured. Socialized medicine, a single-payer plan, incrementally imposed upon America by setting up a health choices administration czar that writes new rules. And in the bill, the result is, reading the language, the cancellation of every health insurance policy in America, whether it be 2011 or 2013, they all have to go back and reboot, push the reset button, push control, alt, delete and see if they can write a health insurance policy that would comply with the new regulations that will be written by the new health choices administration czar. That's where we are. So 1,300 companies, 100,000 policies, none of them can be guaranteed under this bill that a single policy qualifies with the whims or the regulations that would be written by the new czar yet to be appointed even though he would be confirmed by the Senate.

I see my friend from Texas has arrived. Congressman MIKE BURGESS is a medical doctor. He has lived this. He sees this agenda and sees how this actually happens in real life. He has been a fighter for freedom, and I yield to the gentleman from Texas.

Mr. BURGESS. I thank the gentleman for leading this important discussion tonight because it is critical that people understand not only what is at stake but what realistically is possible.

The programs that are talked about in the bill that was passed here late on Saturday night by the slimmest of margins, none of those programs are going to be available the day after the bill is signed, or the day after the day after the bill is signed. In fact, it is going to take time to construct this massive new government entitlement program/insurance program. And as a consequence, it will be some 4 years before those programs are available to help the people that were in the 4 percent margin of folks who are uninsured.

Now, the gentleman talked about the health benefit czar, whatever we are

going to call that person that is yet to be named, and we don't know what that office will do, what their responsibilities will be, but here is what we do know. We do know we passed a 2,000-page bill and it goes over to the appropriate Federal agencies and all of the rulemaking starts.

□ 1830

Think back to 1996 when this Congress passed a bill called HIPAA, and HIPAA was supposed to give us portability in health insurance. And it was a good thing. People needed to have portability in health insurance. But a little paragraph in the bill that required some privacy provisions to be included in the bill turned into, what, 10,000 pages in the Federal Register, and every doctor's office across the land in early 2000 had to start complying with these.

You know, you go to the doctor's office now and the first thing you've got to do is sign three forms. You've got to sign them every time you go in, and they are the HIPAA disclosure forms. Congress, your Congress, required your doctor to do that. And to be perfectly honest, doctors' offices were never the problem with disclosure of sensitive information in the first place. But we are the recipients of that.

Okay. Now we've got a 2,000-page bill. It is going to go over to the Department of Health and Human Services, and all of the rules and regulation are going to be written regarding that 2,000-page bill. Remember a single paragraph led to thousands of pages in the Federal Register and thousands of comments on the rule-making.

Well, we do have a Secretary of Health and Human Services, Secretary Sebelius. Part of that agency that will be charged with writing these rules and regulations is the Center for Medicare and Medicaid Services. We do not have an administrator in the Center for Medicare and Medicaid Services. CMS has lacked an administrator since a week before inauguration when the previous administrator who was under the Bush administration said thank you very much and left. And that agency has been without an administrator since that time.

Now, why is that important? Because this is the individual who is going to have to sift through all of the legislative language in this bill, match it up with the Social Security Act and Medicare Act, put all of these things together and write the rules and regulations under which your doctor's office will have to practice. And we don't even know who that individual is. It may be someone quite competent. It may be someone who is just a political appointee. We don't know, and therein is the problem.

Now, the gentleman has done a very eloquent job of talking about the 4 percent of the people that we actually likely set out to help when we started down this road. And I'm sure the gentleman heard it in Iowa during the

summer. I certainly heard it in north Texas in my town halls. At that time it was only a 1,000-page bill. I can only imagine what they're saying about a 2,000-page bill. We don't want a 1,000-page bill to take care of a problem that actually could be taken care of with simple reform within the insurance industry.

The problem that needed to be corrected was the individual who had a tough medical diagnosis, a preexisting condition, who loses their job, loses their insurance, doesn't get coverage within the appropriate timeframe and therefore is excluded from coverage for time immemorial because of this tough medical diagnosis.

Someone my age loses their job, has a heart attack, their insurance coverage lapses. They're going to have a tough time getting back in. These are the people we heard from during the summer. Yes, we didn't want the Democrats' bill, but we do need some help for this segment of population who falls into that category. They want insurance. They would even be willing to pay a little more for the insurance because they recognize their human vulnerability is now on display. Yet they cannot find it at any price.

And some of the things that we could have talked about, had we been reasonable about this, had we been truly bipartisan about this, is we could have talked about what type of insurance reform. And, in fact, the President, when he stood here before the House of Representatives in September acknowledging that it's going to be 4 years before any of this stuff becomes available, he referenced JOHN MCCAIN's discussion during the campaign a year ago where perhaps something like an upper-limits policy or a high-risk policy would possibly bridge that gap during those few years until their new policies are available. Well, I would just simply submit if we would have spent the effort working on that bridge policy, if you will, maybe the rest of this stuff would not have been necessary.

There are ways to get at this, with high-risk pools, with reinsurance, subsidize those States that are willing to participate in that. The Congressional Budget Office estimated it would cost \$20 billion over the 10-year budgetary cycle in order to beef up those high-risk plans to be able to accommodate those individuals who are involved, even make it a little more generous than that if you want. For heaven's sakes, \$20 billion over 10 years is a far sight less than a trillion-plus dollars over that same 10-year interval.

And I would suggest that this Congress, if they were willing to pass the liability reform the gentleman referenced, save that \$54 billion that the Congressional Budget Office said we could save, and put all of that money toward helping those people with pre-existing conditions, we could go a long way towards solving these problems.

Mr. KING of Iowa. Reclaiming my time, I would like to pose a question and ask your response.

In the previous hour, the gentleman from Ohio alleged that that \$54 billion that would be saved by the lawsuit abuse reform would only be 1 percent of the overall cost of our health care; therefore, it's of small consequence and apparently not worth the trouble to take on the trial lawyers for that 1 percent. And I've made a response to that, but I would offer to the gentleman for his viewpoint since that is a field of your expertise.

Mr. BURGESS. Well, in fact, that is a fairly narrow window that they're looking at. They're only looking at in the Federal system Medicare, Medicaid, SCHIP, Indian Health Service. The Federal Government pays about 50 cents out of every health care dollar that's spent in this country; so in effect you could double that number to \$100 billion that you would save over all persons who are insured, covered, cash customers, and those covered by Federal programs.

In Texas we did pass significant liability reforms back in 2003. It has made a substantial difference in Texas. I will just tell you from the standpoint of a practicing OB/GYN doctor, in 1999 the cost of a policy for a million dollars of liability coverage in the Dallas/Fort Worth market was around \$25,000. It had more than doubled to \$57,000 by 2002. It is back down now to \$35,000 in the years since this bill was passed. So there is an immediate substantial benefit in premiums, but the big savings come in the backing out of defensive medicine that is practiced.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas.

In the minute or so that we have left, I have in here in my hand a list of the new Federal agencies that are created by this bill.

This is the old chart for H.R. 3200. That's pretty scary. This is the new chart, and in the middle of that is the old chart. Now, here are all the new agencies that are created. Well, actually maybe not all of them. I've just highlighted a few of them on the front.

The program of administrative simplification, I think they know they've got something complicated. Health choices administration, that is the scary part, this guy right here. That's the new commissar-isioner, referenced by the gentleman from Texas. The qualified health benefits plan ombudsman, which tells you no one can deal with this bureaucracy so you have to have an intermediary already written into the bill. I don't know if you have to have somebody to deal with the ombudsman.

The health insurance exchange, where all of these policies and insurance companies would have to be approved. The State-based health insurance exchanges as well. Public health insurance option, well, that's the one that will squeeze out the private insurance companies.

The list of the colossal magnitude of this socialized medicine bill goes on and on: 111 new agencies, 2,030 pages altogether, and the bottom line of it is, Mr. Speaker, the dramatic reduction of Americans' choices and thereby our freedom and liberty under assault by people who believe that we have to have a nanny state and live under socialized medicine. And I stand in opposition and I will fight this all the way. And I do believe the American people will rise up and kill this socialized medicine bill.

Kill the bill, Mr. Speaker.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. KISSELL) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 12, 2009.

Hon. NANCY PELOSI,  
Office of the Speaker, H232 Capitol, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to section 1(k)(2) of H.Res. 895, One Hundred Tenth Congress, and section 4(d) of H.Res. 5, One Hundred Eleventh Congress, I transmit to you notification that Paul J. Solis, Nathaniel Wright, Kedric L. Payne, and Jon Steinman have signed an agreement to not be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Election Campaign Act of 1971 until at least 3 years after they are no longer a member of the board or staff of the Office of Congressional Ethics.

Copies of the signed agreements shall be retained by the Office of the Clerk as part of the records of the House. Should you have any questions regarding this matter, please contact Ronald Dale Thomas at (202) 226-0394 or via email at Ronald.Thomas@mail.house.gov.

Sincerely,

LORRAINE C. MILLER.

#### AFGHANISTAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. President Obama will soon make a decision that will chart the course for America's involvement in Afghanistan for years to come.

I personally am not upset that it has taken President Obama this long to determine his response to General McChrystal's request for an additional 35,000 U.S. combat troops to be sent to Afghanistan. This is a monumental decision, and it comes when the radical Islamic Taliban and al Qaeda movements seem to be gaining momentum. It also comes when our troops throughout the world are stretched to the breaking point and when our economy is frayed. It comes when the debt that America is piling up is not just alarming but suicidal. This is not the time for business as usual, nor is it the time

for brash decision-making. A decision to send U.S. troops to Afghanistan will cost money, lots of it; and it will cost lives.

In the past, powerful nations were humbled in the rugged terrain of that desolate country. Yes, a desolate country, dotted by thousands of small villages, populated by tribal people so independent and so ferocious that they have never been conquered. Throughout history, attempts to conquer Afghanistan have met with bloody failure. War there is not defeating an enemy; it is conquering a people. And these people have never been conquered.

British writer Rudyard Kipling once wrote: "When you lie wounded on the Afghan plain and the women are coming to cut the remains, roll to your right and blow out your brains and go to your God like a soldier."

The British Army dominated vast expansions of India for two centuries, but it was never able to subdue the Afghans. Thousands of British troops lost their lives trying to do just that. In 1842 a British force of 16,000 withdrew from their fortress in Kabul. That force was then beset upon by Afghan tribesmen who cut them to pieces. Only one member of the original contingent of 16,000 made it to the city of Jalalabad. That one person who survived was the regimental surgeon, Dr. W. Brydon. It was thought that perhaps he was permitted to survive.

Russia too has had its comeuppance in the hostile Afghan countryside. It was one of the Soviet Union's most telling chapters, and it was also one of the Soviet Union's last chapters.

After America's inglorious conclusion of its military operations in Vietnam, our Soviet global adversary was emboldened. Then with the fall of the Shah of Iran, a power vacuum was created that the Soviets hoped to fill. They were then engaged in a post-Vietnam War offensive throughout the world. So when chaos and volatility erupted in Afghanistan as a result of a blood rift between two Afghan communist factions, Soviet leaders sent in the Red Army. They did that to unify the communist factions and to pacify the countryside in Afghanistan, which was already hostile to the communist ideology and very hostile to foreign troops. Perhaps as a payback for the massive Soviet aid provided the North during our conflict in Vietnam or perhaps just as a means of weakening the Soviet global military power, during Ronald Reagan's administration, during his Presidency, our government provided weapons and other support for the Afghan insurgent forces who were battling Soviet occupation troops.

□ 1845

As compared with other 20th-century Presidents, Reagan rarely depended on a policy of deploying U.S. troops to solve problems and to combat enemies. I know that goes against what a lot of people think about Ronald Reagan.

U.S. forces under Ronald Reagan, yes, were sent in to the small island nation of Grenada, which was in the throes of a Marxist military clique's murderous rampage. Grenada was a limited operation, but it was significant because it proved America was willing to use its military forces after suffering a demoralizing national malaise which is best remembered in history as the "Vietnam Syndrome."

Another deployment President Reagan agreed to make was sending marines into Lebanon, which resulted in a catastrophic attack on our marines which left 290 of them dead and many others severely injured. After that, Reagan was reluctant to deploy our troops. And during his administration, if you take a look at the records, he deployed troops into combat many fewer times than most other Presidents did during the last century. Yet, he is portrayed as a Cold Warrior and is branded, and was branded then, by the liberal left as a warmonger. Yet, he deployed our troops fewer times than most other American Presidents.

Yes, Ronald Reagan, more than any other leader, was one who we should basically praise for the defeat of Soviet communism. That enemy threatened our security and the freedom of our people and the freedom of people throughout the world, yet he did not send our troops into hostile action after the Beirut debacle resulted in the death of so many of our marines. Well, if he didn't send in our troops to various places, how, then, was our country so well defended during that time, and how was the evil power of Soviet communism defeated?

Well, the answer is what is called the "Reagan Doctrine." This strategy was based on the concept of helping others fight their battles when their foe was our foe. Rather than sending U.S. troops into Central America, for example, when the Soviets armed its stooges who were in the process of establishing a Marxist dictatorship in Nicaragua, and the Soviet Union sent a billion and a half dollars worth of military equipment to back up that Marxist regime, no, Reagan didn't send U.S. troops down there to fight the Sandinistas. He armed those Nicaraguans who were resisting that regime, the so-called "Contras."

In Africa, America helped arm Jonas Savimbi and his Unita group as they fought a Soviet-backed regime in Angola. And neither of these two groups were perfect. They had many imperfections. These were flawed allies. But they were fighting for their own country, and they were fighting their own countrymen. We did not rely on sending in U.S. troops. We supported those people locally who were fighting their adversary as long as their adversary was our adversary as well.

And, of course, most importantly, we armed and we supported the Mujahedeen in Afghanistan who directly took on the military might of the Soviet Union. Again, many of the Mujahedeen

were people who were totally inconsistent with our outlook and our views on respect and on freedom and individual rights. Many of them were, by the way, very, very supportive of treating people decently and were not radical Muslims in that regard. But they were flawed people who we supported to fight the Soviet Union that we brought down. That's how the Soviet Union was brought down, not by sending in U.S. troops, but not trying to be perfectionists in who we would then support, but to try to defeat our primary enemy.

During those years, I worked in the Reagan White House as a senior speech writer and, yes, as a special assistant to President Reagan. I worked with a small cadre of patriots who made the Reagan Doctrine real. In fact, the speech-writing department is actually given credit by many to actually have developed that doctrine and made it into a doctrine rather than a loose strategy.

Well, those people in the White House who made it real and turned it into a policy, into actual strategies that were being put in place and put to use during the Cold War were a very, as I say, small group of patriots; Constantine Menges, who came from the CIA and then over into the National Security Council, Bill Casey of the CIA, Colonel Oliver North, Admiral Poindexter, Dr. Paula Dobriansky, Vince Canistrano, Ken DeKraffent, all of those on the White House team, on Reagan's team, the administration team, who played a crucial war role in defeating Soviet communism, not by orchestrating moves to send more troops here or more U.S. troops here, but instead to try to support those people throughout the world who were fighting against Soviet tyranny themselves.

And, of course, we had support, and we had an initiation of such ideas and concepts and support of the policy by Dr. Jack Wheeler, who is also a person who worked with us in the White House but was independent and went into these various places around the world and met the leaders of various anti-Soviet insurgencies throughout the world and reported directly back to us and the White House as to what was going on in those insurgencies.

Yes, of course, we need also to thank Members of Congress who were supportive of those efforts. Let us note that Ronald Reagan has often said that it was bipartisanship that ended the Cold War. But I remember very clearly Ronald Reagan being called a warmonger. I remember very clearly those efforts to defeat the expansion of Soviet power in Central America being undermined directly by people in this Congress who wanted to label Ronald Reagan as the problem rather than communist tyranny as the problem.

But there were other people on the other side of the aisle and on the Republican side of the aisle who were active in support of the Reagan Doctrine, the concept of helping freedom fighters

throughout the world instead of sending U.S. troops.

The most prominent name nowadays is Charlie Wilson. Yes, Charlie Wilson as an appropriator, who helped get the money for the Afghan freedom fighters, played a significant role, as his book and subsequent movie suggests. But he was not the only one. Charlie deserves credit, but so do those other people, some of the ones I just mentioned, and others, people who made sure that those people who are fighting for freedom in various countries did get those supplies and that the Reagan Doctrine, the concept was implemented.

We made sure that the Russians learned the lesson that we learned in Vietnam. The introduction of U.S. combat troops in Vietnam did not work. And it was that war that tremendously weakened us. But it was the introduction of combat troops, I believe, into Vietnam that weakened us because the dynamics were changed. Having massive troops deployed in a totally foreign culture did not work for our side in Afghanistan. And here we had our troops in a totally foreign land on the other side of the planet, and by introducing those troops, rather than focusing perhaps on helping the people in Vietnam to fight their battle, we set up a dynamic that worked itself out, yes, and as it worked itself out, it defeated our efforts and left the United States with 50,000 dead, a world humiliation and a country in retreat.

I spent some time in Vietnam in 1967, although I was not in the military. Part of my experience was in the Central Highlands, where I hooked up with a special forces unit that was operating out of an old French fort near the Vietnamese city in the Central Highlands by the name of Pelku. It was there that I first saw a strategy that worked. Our special forces teams had turned the montagnards, Vietnam's indigenous mountain people, into an American ally in this bloody, elongated conflict. Yes, our military forces in Vietnam were never defeated—our military likes to say that. They were never defeated on the battlefield, not in one major battle. But we lost the war. The strategy was wrong.

In the Central Highlands, the montagnards were with us. In fact, I felt very secure, and I knew the montagnards would put a high priority on protecting me while I was with them, even though I was an American. Yes, in the Highlands, the montagnards were with us. Those were the people that occupied the Highlands in Vietnam. And had the war been decided there, with those montagnards and those people, our enemies would have been defeated instead of an American defeat.

In Afghanistan, America gave the people of Afghanistan the weapons they needed to fight the Soviet Army. And when we provided them Stinger missiles, we gave them the means not just to fight, but to win. By the way, we also promised to help rebuild their

torn country as we encouraged them to fight, bleed and sacrifice in order to defeat the Soviet Army.

The Afghans paid a monstrous price for their victory: 1 million killed, even more wounded, and devastation throughout their society. These brave and heroic people stood up and defeated our mutual enemy.

I was blessed with not just meeting the leaders of the anti-Soviet Mujahedeen when they visited Washington back in the 1980s. I actually went into Afghanistan with a Mujahedeen combat unit and participated for a short time in the battle of Jalalabad, which was the last major battle in which Soviet troops were present.

I do not recount these moments in history to bring praise upon myself, but instead to lend personal authority to the battles we endured then and to the issues that confront us today. That weeklong exposure to that Afghan battle gave me a lasting admiration for these unconquered people. It was the courage of the Afghan people, more than any others, that broke the will of the communist leadership in Moscow and, yes, brought about the collapse of the Soviet communist threat that had loomed over our heads for decades.

When Soviet troops moved out of Afghanistan, instead of fulfilling our promise to help rebuild their war-torn land, we left those brave people to sleep wounded in the rubble. We did not even provide them the resources they needed to clear their country of land mines that we had given them during their war against the Soviet Army. Thus, we left them with a country in which, for a decade, the legs were blown off their children as they walked through the countryside. We didn't even provide them the help to clear their mines at that time.

Now that decision to walk away from Afghanistan was the decision not of Ronald Reagan, but of President George Herbert Walker Bush. And, of course, as we walked away, the anti-Soviet Mujahedeen broke into warring factions. The chaos and misery was predictable. But, of course, we just walked away. We let them just go down into the depths of misery and of conflict and of self-mutilation of that society.

Eventually, during the Clinton years, our government made a secret pact with Saudi Arabia and Pakistan to end the chaos in Afghanistan by introducing a new force called the Taliban. Now I had seen the strategies before of assisting forces in Afghanistan who are radical Islamists. I, in fact, spent considerable time in the White House pounding on people's desks saying, why are we providing military support for people like Hekmatyar Gulbuddin, Sayaff and others of the radical Islamists, who were fighting, yes, the Soviets, but who were also killing other elements within the anti-Soviet Mujahedeen, killing them because they were not as radical in their Islamic tradition?

That backfired on us then, and, in fact, during the gulf war, the first gulf war, it is significant that the Mujahedeen radicals that we had supported, Hekmatyar Gulbuddin in particular, sided with Saddam Hussein. This after we had provided him with more than a mountain of weapons. No. I argued against this stupid strategy based on empowering religious fanatics. It was totally unjustified, especially when there was a moderate alternative. During the war with the Soviets, there was a moderate alternative in that we had groups of Mujahedeen fighters who were not the radical Islamists that eventually became the Taliban.

□ 1900

It is a mistake many people make. They think the Mujahedeen were the Taliban. The Taliban came later. But I could see that empowering religious fanatics when there was a moderate alternative was not the right way to go. And after the Soviets had been driven out, there was a moderate alternative. The moderate alternative was King Zahir Shah. He was an exiled king right before the Soviets took over. The fact is he had ruled that country for 40 years. He was the only leader who ever gave Afghanistan a time of tranquility and progress. And he did that by not trying to impose his rule on the rest of the people of Afghanistan, but instead ruled as a monarch, as a symbol, as a father of his country.

Well, he was available. He was living in exile in Rome. I argued that case that he should be the one brought back to unify the country, not some radical Muslim sect like the Taliban, but the Saudis and the Pakistanis were insistent. They thought they could control the Taliban and they would use the Taliban—control of the Taliban to control Afghanistan. Of course, America just went long with it.

President Bill Clinton and his administration signed on to that deal. Well, it is was an easy way out. We're going to provide so much money and assistance, and the Pakistanis were there. Of course, then people didn't realize that the Pakistani military and the ISI, who we have since proven were actually radical Islamists themselves, they were the allies of the worst anti-American radicals in that region.

So, in reality, America, in the mid-1990s, was covertly supporting the Taliban. We covertly supported its creation and we made sure that our aid was channeled into those areas that supported the Taliban, but we short-changed all the other nonradical Islamists like Masood and others who were there and didn't get that same level of aid.

Most importantly, the people of Afghanistan believed then, as they do now, that the United States helped create and was behind the Taliban. If they believed it, and they are living with it, the American people should know this as well.

Well, the fact that the Clinton administration was covertly supporting

the Taliban did not stop a number of us from doing something else, from trying to create another alternative. Ben Gilman, chairman of the House Foreign Affairs Committee, along with a small team of activists—and I'm very proud to have been one of them—struggled to change U.S. policy and went out to support those who opposed the Taliban.

I was in and out of Afghanistan personally. Our team was working to build an anti-Taliban coalition by uniting ethnic and tribal leaders, especially those in the non-Pashtun areas of Afghanistan. It should be noted that we also worked with Pashtuns who are anti-Taliban; leaders like Abdul Haq, who was a terrific leader and one of the great leaders in the Mujahedeen effort to fight the Soviet army during their occupation. He was a Pashtun leader that we were working with.

Yes, there was King Zahir Shah, who was also Pashtun, but by and large we were trying at the very least to get those in the northern part of the country and those ethnic groups other than Pashtuns, because in Afghanistan, yes, not all Pashtuns are Taliban, but almost all Taliban are Pashtuns.

During that time, during the 1990s when we were working trying to create that coalition, I met with General Dostum, Commander Masood, Ishmael Khan, and many others. Our team brought together all the leaders of the ethnic groups of the Afghan ethnic groups and the significant tribes. We brought them together in Frankfurt and Bonn in 1997, and Istanbul in 1998.

Then, in December of 2000, I and Chairman Gilman brought the key Afghan players right here to Washington, D.C., to our Foreign Affairs Committee room in the Rayburn Building. As a result of that meeting, organized by Chairman Gilman and myself, what resulted from that meeting was a phone call made during that meeting from the participants here, who were anti-Taliban people that we brought here. That telephone call was made to King Zahir Shah, who was then living in exile in Rome.

During that phone call an agreement was reached that the king would return to Afghanistan into Masood's territory and lead a loya jirga, which is a gathering of leaders of Afghanistan, in July of 2001. When that agreement did not bear fruit, when that meeting did not occur, Ben Gilman and I dispatched committee staff in late August and early September of 2001 to Rome and to Pakistan to find out why that loya jirga had failed to materialize.

So whatever the Clinton administration was doing, whatever their tilt to the Taliban, there were others of us trying to do what was right, and, yes, all of that activity paid off. Eventually, after 9/11, the Afghan tribal and ethnic leaders on our team and basically those people that we had been encouraging to get together and form a coalition, that coalition emerged after 9/11 as the Northern Alliance.

Most important for Americans to understand now, it was the Northern Alli-

ance—Afghans themselves, not U.S. combat troops—that drove the Taliban out of Afghanistan after 9/11. Many people now are very loose in their words when they discuss how the Taliban was defeated and driven out after 9/11. When we drove them out. You can hear that over and over again. Well, it was a magnificent victory, but America only had 200 troops on the ground, Special Forces, when the Taliban were driven out of Afghanistan.

So when you hear people say, Oh, well, the only thing wrong in Iraq was we didn't come in with enough boots on the ground, we only had 200 boots on the ground in Afghanistan, and, in fact, those 200 boots gave us a tremendous victory, and it also gave us a tremendous opportunity to rebuild that nation and to demonstrate the benefit of being America's friend. It gave us the opportunity to make up for breaking our word after the war with the Soviets and to regain the trust and admiration of moderate Muslims throughout the world. We had that chance.

Afghanistan, which, by the way, is about the same size as Iraq, we had driven out a force of tens of thousands of Taliban soldiers and their al Qaeda allies, not by U.S. troops—only 200 U.S. troops were there—but instead by providing air support and supplies and communications to those people in Afghanistan who were fighting against this radical Islamic gangsters who had oppressed them.

Well, after the Taliban was defeated, instead of focusing on Afghanistan, instead of keeping our promise, going back to keep our word, which we had given so long ago—and, I might say, we renewed that promise when we asked them to drive out the Taliban—instead, President Bush rushed the United States into an invasion/liberation attack of Iraq. The battle for Iraq, however, was fought by U.S. combat troops, a totally different strategy from what had worked in Afghanistan.

By the way, we could well have implemented a similar strategy in Iraq by arming the Kurds and the Shiites, by making deals and cutting deals with Shiite leaders, by reaching out to different people in their military and in their government. Instead, no, we sent in large numbers of U.S. troops in combat units. Only when we pulled our forces back and used our financial resources to buy the goodwill of people in Iraq did the Iraq war turn in the right direction.

We have heard a lot about the surge. I voted for the surge and I have tried to be as supportive as I could, realizing a defeat in Iraq would have been a horrible and demoralizing event for the people of the United States, and it would have emboldened terrorists and radical Islamists throughout the world. I tried to be supportive, but we were obviously doing the wrong thing. We obviously used the wrong strategy. The competence of the last administration in carrying out that war and building

peace was abysmal. We could have done what we did in Afghanistan and let the Iraqis liberate themselves from Saddam Hussein's tyranny.

The human and financial cost of the Iraq liberation and how it was accomplished, all of the incompetence that went with it, will be the subject of scrutiny for years to come. However, we have moved forward and there are some signs or every sign of success in Iraq. That success—it's clear that that success was brought about not necessarily by large numbers of U.S. troops, but instead, not just the surge of troops, but General Petraeus's ability to use financial resources to win the loyalty of Sunnis and other tribal leaders in Iraq.

But what is also clear is that our Iraq focus after the defeat of the Taliban prevented us from doing what was right by the Afghan people. And there is a cost to that as well. There is a cost that we will pay for not doing what was right to the Afghan people and just rushing off to commit our treasure and our troops into Iraq by stretching ourselves too thin so we couldn't do the right thing in Afghanistan.

Now, what is that price that we're paying? Now, after years after the initial success of driving the Taliban out, the Taliban's radical Islamic threat is growing. And the response to this threat? Send in more U.S. combat troops. Whenever that's been tried as just a simple answer, it's failed. Whenever there's been unconventional warfare that we have had to deal with, that strategy of sending in more U.S. combat units has not worked, whether in Vietnam or Afghanistan or anywhere else. Foreign troops in a foreign land fighting as combat units will almost always end up in hostile territory, and even those locals inclined otherwise will eventually turn against foreign troops to side with their own countrymen. That dynamic is very easy to identify.

President Obama is being asked by General McChrystal, who I deeply admire, to send 35,000 more U.S. combat troops into Afghanistan. If my experience tells me anything, it is that the introduction of more U.S. combat units into Afghanistan will be counterproductive and perhaps disastrous. And the likely downside to sending more U.S. combat troops is recognized by our own U.S. Ambassador, General Eikenberry, who is now our U.S. Ambassador to Afghanistan. General Eikenberry is a career military officer with impeccable credentials and an exemplary record. He has told President Obama that more U.S. troops will mean that the Afghans will remain dependent on our military rather than stepping forward and fighting their own battle.

By sending more U.S. combat troops, we will encourage exactly the wrong behavior by the Afghans. And, obviously, the Afghans have proved time and again that they are willing to fight. They're willing to fight for their

families, for their villages, for their way of life. And, yes, they're willing to fight for Afghanistan.

□ 1915

Well, that is so obvious. Yet the easy answer for America's decision-makers is to send more U.S. combat troops. Well, easy answers have a great deal of appeal to power brokers, but easy answers usually don't solve the problems.

Yes, sending more U.S. combat troops sounds less complicated than having to deal with Afghan ethnic, tribal, and village leaders on the ground. Sending more troops sounds a lot easier and less complicated than undoing the horrendous strategic mistakes our State Department has made in forcing a foreign structure onto Afghan society since 9/11.

In short, our government has tried to force the people of Afghanistan to accept centralized rule from Kabul. And even if that government wasn't corrupt, even if Karzai's brother wasn't a drug dealer, the centralized power and decision-making that we have tried to force on the Afghan people—or at least supported that being put on them—is totally contrary to the Afghan history and culture. These people are brave. They will not be subdued and pacified by a Kabul army or especially by a foreign army, even if it's our Army.

No, we must make allies of the brave people of Afghanistan, not send in more U.S. combat troops to fight them. Even if our troops fight against their enemies, it is still wrong because even if we're fighting against the Taliban, who are our enemies, it is still wrong because it creates a dependency of the other Afghans on us to do their fighting. And in the long run, the brave, courageous people of Afghanistan will not appreciate that we have made them dependent upon us. That will not be appreciated.

They are a people of tremendous integrity. I walked through Afghanistan that one week that I spent at the battle of Jalalabad, and I remember seeing these people. If they got wounded, if they were wounded, they were gone. There was no medical evacuation there. If they stepped on a land mine, they were gone. And when they were wounded, they didn't cry out in pain. You had young people there fighting right alongside elderly people.

These people were a country, a brave and courageous country. I remember as we walked through the countryside, the southern part of that country had been blown asunder by Soviet airplanes. People were living in caves, and they would come out. They didn't know that I wasn't an Afghan. They didn't know that I was American. I had a beard and an AK-47 strapped across my shoulder, and they came and they would say, Please let us, Mujahedeen, our brothers, let us give you some tea and bread. The people would come out of their caves where their families were living to give us tea and bread. And as we left, some of the Mujahedeen lead-

ers that were with me said, You know, that's all the bread they had. Their family is not going to have that bread tonight.

What kind of people are these? These are wonderfully courageous people of integrity, sharing their bread because they were part of this national effort. We do not want that power and strength and integrity turned against us. We want them on our side, and we must be on their side. Sending more U.S. combat troops will not accomplish that mission.

U.S. Army Major Jim Gant has written a booklet entitled "One Tribe At a Time." In it, he details his account of being embedded with Afghan villagers, and he lays out a strategy to defeat the Taliban from the bottom up, not from the top down. Certainly we will defeat them not by sending in more American combat units to do the fighting but, instead, let these ferocious people do their own fighting with our support.

It's a cost-effective plan; and even though it's more complex than simply sending more troops, it's the only plan that can succeed. It's focused on sending our teams, combat teams, to live with the Afghans in their villages, helping them build their militia structure, providing them guns and ammo and, yes, buying goodwill of their leaders and perhaps helping them rebuild their country's infrastructure. Perhaps a clinic in a region, perhaps helping them get a clean water supply.

Afghanistan has the third highest infant mortality rate of any country in the world. Yet we want to spend our money sending troops. After we promised we would help them rebuild their society, they still lose their children not just to land mines that weren't cleared off but to dirty water that destroys their children's lives, makes them sick and makes them die of diarrhea. It's a terrible, terrible thing.

And what is the cost of the 35,000 troops that is being suggested that we send to Afghanistan? Already I am saying that the strategy doesn't work. But what is the actual financial cost? The cost is \$35 billion, \$1 billion for every 1,000 troops annually. We can buy all the goodwill we need, and we can help rebuild Afghanistan for far less than it will cost for just 1 year's worth of 35,000 combat troops. For \$1 billion, we could buy the goodwill of the tribal and ethnic leaders.

For a very small amount of money, we can help them build up their own militias by which they can then defend themselves and not worry. Is the U.S. going to go away and leave us vulnerable? Americans cannot patrol, subdue and pacify every area of the globe where hostile forces lurk, especially in Afghanistan. It will break our bank. Our young men and women in our services will be unnecessarily killed and maimed; and in the end, the same thing will happen to us that happened to the Soviet empire: it will break our bank, and the American people will not be willing to shoulder responsibility any-

where in the world because of the horrendous complications that have arisen from our jumping in to doing the battle for everyone in Afghanistan and other places of the world.

Yes, we do need to use our military forces in places; but if we do this, if we send them off to missions that can't be accomplished, we are not doing our duty by them. And how do we know that? If there are two military truisms, history lessons that should have been learned in the last century, they are: Don't march on Moscow, and don't invade Afghanistan.

Afghanistan will not fall to the Taliban if we support those brave people who defeated the Taliban. Our State Department, in their rush to centralize power in Kabul, actually organized the effort and pushed the policy of disarming the anti-Taliban Northern Alliance after their initial victory. They have then pushed not to develop the militias. Every village in Afghanistan, every male child is considered to be part of the militia and is expected to learn how to use the weapons of the day.

Now through that militia, we can mobilize that. And when they say to us—and I have read these accounts over and again. They are afraid that America might abandon them again. Well, why are they afraid? Because we haven't given them the means to defend themselves. We should not only give them the means, but we should help them, support them, provide them the air support, give them the financial resources, the communication gear so that they will win a victory against radical Islam.

That is the only way that radical Islam will be defeated—not by sending U.S. troops all over the world and especially into Afghanistan. Yet our foreign service continues to rely on more U.S. troops and, yes, on building a national army in Afghanistan that will be controlled by the government in Kabul, a corrupt government that is not trusted by the people of Afghanistan and is not even trusted by our own leaders.

This is exactly the wrong approach. Instead, as I say, we should arm every village militia which will align with us. Any village militia that will align with us, we should be on their side. We should give them guns, ammo, supplies, and communications gear. We should back them up with air support, and, yes, let's have Special Forces teams embedded in the villages, like Major Jim Gant has told us would be an effective strategy.

That strategy and buying the goodwill of tribal leaders, people who were there leading their—this is a naturally democratic society from the bottom up. By the way, our country would have failed had we insisted that all the political power in our country would have been decided by the central government. It's the States in our country that control the education. It's the States that basically control the police and the justice of our people. Had we

not had that policy from day one, our country would not have succeeded.

Yet we've been trying to push on people who are even more protective of their rights to make their own decisions for their own villagers—we're trying to push a simple government on them which they don't even know. Well, that strategy of buying the goodwill of tribal leaders will carry the day. We can go in and identify with these leaders there, work with them, work with their people. That is the strategy.

Yes, as Major Gant says, there is risk in this; but the greater risk is a strategy of sending more combat units which rumble through the countryside. I met with a group of Afghan veterans just last week, and they told me that what they were told to do by their commanding officers was, you just take hikes through the countryside until they get shot at, and then they start firing back. Or they drive their trucks and their vehicles through the Afghan countryside and through Afghan villages until they are either shot at or they run over some kind of an explosive device, and then they retaliate.

That is not a strategy for victory, and that's what happens when you send major combat units into a country rather than trying to defeat the enemy in that country from the bottom up, rather than inserting something from the top down. Such a strategy of helping the villagers there in Afghanistan who have lived under the Taliban—they hate the Taliban. They have seen their schoolteachers beheaded. They have seen their young girls being treated like dirt and like animals. They do not want to live that way, and they will not submit to the Taliban—unless, of course, they aren't given any chance to defend themselves.

The strategy of helping those people who are willing to fight against that form of radical Islam that they know and despise, that is a cost-effective way of dealing with the challenges that we confront in Afghanistan. It will cost less in blood. We won't be putting our people in harm's way. And, yes, some teams that go there—yes, some of these teams that will be embedded with those villagers, some members of those teams will lose their lives.

But I would dare say, and Major Gant says so as well, that far fewer American military personnel will lose their lives that way than if we continue the strategy, which is basically alienating the people of Afghanistan who eventually will rise up against us because the strategy is not something that takes into account their own needs at the village and tribal level. It will cost us less in blood. It will cost us less in treasure than sending more combat troops to use Major Gant's strategy and a strategy of working at the bottom level rather than just sending in more troops.

And to help them rebuild their country at long last. Rebuild their country after we promised them what we would do after they defeated the Soviet Army

and after they kicked out the Taliban. But we owe it not only to the Afghan people to look very serious about this; we owe it to our troops not to send them on a mission that they cannot accomplish. We have an opportunity at this time to do the right thing and not just to place ourselves in a position to end up with a military, diplomatic, financial, and human embarrassment that we will have lost so many people and so many lives for nothing, for an outcome, another quagmire.

I have one last story that I would like to end my speech on tonight, and it is a story that I want to make sure people understand. What I am saying today is not in any way a bad reflection on our military. The fact is, I met with our veterans from Afghanistan last week in my office. They support this strategy. Just because I'm saying they can't do everything and fight every battle doesn't mean that I don't respect them. In fact, I believe they are heroes. Every one of those people willing to put their lives on the line, they are heroes. They are willing to risk their lives for us. We owe them our best judgment not just an easy answer of sending more military people into a conflict.

My family was a military family. I grew up in a Marine family. My father was a lieutenant colonel in the Marines. We were stationed in Marine bases until I was 16.

□ 1930

My brother graduated from Camp Lejeune High School in 1963. His best buddy, his very best buddy, graduated from high school with him and immediately joined the Marine Corps when he was 17 years old, David Battle. David Battle joined the Marine Corps right after he graduated with my brother, and he was my brother's best friend. Well, years later, when I went to the White House with Ronald Reagan, I went to the inaugural ceremony, and then I had off for about a week before, or a couple of weeks before, I would actually start on the payroll in the White House. My family, my mother and my father and my brother, came to the inauguration in 1980, and then we rented a car and traveled down to Camp Lejeune to see where we used to live, to see if we could remake old acquaintances.

And we found my brother's best and dearest friend, Sergeant David Battle. He was well on his way to retirement. He'd already bought himself—only a couple of years away, and he'd bought himself a boat that he was going to dig clams and mussels out in the inlets in North Carolina and sell it to the local fish markets. He would have his retirement. He had served two tours of duty in Vietnam, a wonderful man with a wonderful family. His parents were there. His lovely wife was there with their two children, and we had an evening that I will never forget, a great North Carolina evening.

And then the next day my family drove to Washington, and I entered the

White House and took my place on President Reagan's staff. President Reagan, as I have mentioned, sent the marines, deployed our American marines, into Beirut. It was not a good decision. It was something that was a risky proposition and had very little chance of success. I knew that, and I actually mentioned it to a lot of people.

But what especially caught my eye when I was looking at that was that the State Department had initiated a policy, a rule of engagement, that was accepted by the military, forced on them by the State Department, that the marines would not be permitted to have bullets in their guns. Their clips would not be in their rifles, would be in pouches because the State Department was so afraid they might get trigger happy if they were shot at. Yeah. So we sent our marines in. I went around to offices in the White House and I pounded on the desk and I said, what are we doing here? How could we send our people in to try to defend us and tell them they can't, our soldiers, our marines, can't have bullets in their guns? This is insane.

And I was told over and over again, don't worry, Dana. Don't worry. Bud McFarlane, George Schultz, Jim Baker, they're all former marines. They're going to take care of this. And it didn't get taken care of because after I left and was assured it would be taken care of, that piece of paper ended up on the bottom of the stack, on the bottom of the stack, and our troops, our marines continued for weeks to be in harm's way, without bullets in their guns.

And again, I assumed that these people were going to handle it. I was told that they would. And then that horrible day when an Islamic terrorist drove a truck filled with explosives through the guard gate outside our Marine compound, and the Islamic terrorist smiling because he knew our guards could not stop him because their guns were unloaded, and he drove that truck into the Marine barracks and blew 290 marines to hell—290 marines. And I looked desperately. I looked to see who it was, and the first name on the list of casualties was Sergeant David Battle, my brother's best friend. I went into my office and wept that day.

And then I stopped crying because I said, I'm going to make a resolution right here and now that I will never cease to be pushing and pushing and trying to correct a situation that I know is wrong. If it takes me being obnoxious, I will do that, because we owe it to the people who defend us, the Sergeant David Battles, they salute and march off and put themselves in harm's way. They are doing their duty. It is up to us to do our duty by them, and not send them on a mission that they cannot accomplish, and not send them into harm's way to lose their lives for nothing.

Today, we have a major decision to make in Afghanistan. It is up—I would

call on all of my colleagues to stand up and be counted on this issue, seriously consider what the chances of success are, and if they agree with me that the approach being taken of sending more troops in, that we stand up and we prevent this policy, like the policy of sending our troops into Beirut without bullets in their guns. And we should not assume that just sending those guys there will be accomplished because other people will watch over and make sure the job's done correctly and that our troops are safe.

It is up to us, each and every one of us, to insist that this strategy of simply sending in more troops, at \$35 billion, a strategy that's more likely to work and accomplish what we want to accomplish, is put into place, a strategy that will keep faith with the Afghan people, instead of just simply relying on Americans doing more of the fighting, help them rebuild their country, rearm them, arm them so they can do their own fighting. We owe it to our troops. We owe it to our marines, we owe it to the Sergeant David Battles who have given their lives over the years for our country, to make sure we do our duty by them as they do their duty by us.

#### 9/11 CHANGED EVERYTHING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, it's a pleasure to be here on the House floor, especially when you know the history of this floor and all that's been done to keep Americans safe, the reactions on this floor by great American leaders after tragedies such as we had after Pearl Harbor, when the President of the United States spoke from that lectern right there after Pearl Harbor. Before 9/11 that was the worst attack on American soil. But 9/11 changed things substantially. For one thing, I never thought during my 4 years in the Army, going back to the 1970s, that we'd ever see patriotism at a level that it is today, where people actually appreciate people being in the service. The Vietnam Vets knew what it was like to come home and to be spit at and ridiculed. I know when I went through basic at Fort Riley, there was an order not to wear our uniforms off post because there was supposedly violence that was done. There were people beat up who were in the service.

But somehow, for a while there, 9/11 brought this Nation together, where people began to take notice and care about first responders, and they began to care about each other. And on September 12, there on our courthouse square in Smith County, Texas, we had people of all walks of life join together, a huge group came, and it culminated in everyone holding hands and singing God Bless America. And as I looked around, there was not one single hy-

phenated American. We were all just Americans, all kinds of races, genders, creed, colors, national origins. But we were just Americans.

Well, after 9/11 we realized that for the first time in our history the oceans did not provide the protection that they once did. As an old history major at Texas A&M, and continuing to be a student of history since, I don't know of another Nation in the history of the world that has been so blessed and protected as we were with the Atlantic and the Pacific oceans. Even Australia, which was surrounded by water, always had to fear invasions. But after the War of 1812, for the most part, we didn't have to worry about external threats so much as we were able to think about Manifest Destiny, moving and settling the continent, the Industrial Revolution, having the effort to make the Constitution mean the same for all people, no matter what race, creed, color, gender.

But 9/11 sent a message that the oceans no longer protected us, that we were going to have to take more measures to protect ourselves. I recall back in the 1980s it being said that one of the great things about the Atlantic and Pacific, if somebody intended to be a suicide bomber, they would lose their nerve crossing the ocean. And certainly, anybody that moved here and lived among the American people would begin to see how much freedom we had here, and they would come to love America as we do, and they would not want to blow up their friends and neighbors. Again, 9/11 changed all that.

So if someone doesn't know the lessons from history, then they are destined to repeat it, as the old saying goes. Well, the Constitution, and I have a pocket Constitution here, article one, section 8, says that Congress shall have power to—and one of the things that we have the power to do in Congress is constitute tribunals inferior to the Supreme Court. And you get over to article three, section one, the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Even the Supreme Court, over in section two, where it's talked about, it says in all of the other cases before mentioned the Supreme Court shall have appellate jurisdiction, but it's the law in fact, with such exceptions and under such regulations as the Congress shall make. So the Supreme Court owes its existence to the Constitution. Every single other court in America, Federal court that is, owes its existence to the Congress. We create the courts. We establish their jurisdictions. We have the right to establish their venues. And when we dealt with this issue back in 2005 and 2006, of having to deal with terrorists who are captured on the foreign battlefield, what do you do with them? You certainly don't want to bring them onto American soil, because if you did that, there'd be

some court that would say, well, they have all the rights and privileges of an American citizen, which shouldn't be true, but until some court says it's true, and at that time, since we believe in following the law, even though some courts do not, they create it instead of follow it, we follow even the renegade courts when it's the law of the land.

So, we had to deal with this issue. Following all of the precedents, and I believe Justice Scalia does a phenomenal job of discussing precedents, as does Chief Justice Roberts in the *Bimidian* case. But we had to deal with people like Khalid Sheikh Mohammed. Khalid Sheikh Mohammed was captured in Pakistan on March 1, 2003, by the Pakistani ISI. It may have been a joint action with agents of the American Diplomatic Security Service, but he's been in U.S. custody ever since that time. In September of 2006 the U.S. government announced it had moved Mohammed from a secret prison to the facility at Guantanamo Bay detention camp.

Now, some came to believe that Guantanamo is such a horrible place. That is where we waterboard people and things like that. The waterboarding that apparently occurred, never occurred at Guantanamo. That was elsewhere. Guantanamo Bay is a place I've been a couple of times. And, having been a judge, I've had the opportunity to explore and tour many different types of prisons.

□ 1945

Attending a tour of the Guantanamo Bay facility was not unusual except that it is unusual to get there. You don't take a commercial flight to Guantanamo Bay, which is one of the reasons it's such an ideal spot for people who are a threat to our way of life.

We have also Ramzi bin Al-Shib who was captured by Pakistani forces in Pakistan around September of 2002. He was transferred to Guantanamo Bay, Cuba, on or about September 26 where he also has remained.

You have other people being detained there that we know have been self-confessed terrorists and under the pleading that was filed by Khalid Sheikh Mohammed, as he said, "We're terrorists to the bone, and if we terrorize you, kill you," basically, "thanks be to God."

These are people who do not believe we should have the freedoms that we do in America because they think freedom ultimately leads to degradation of the individual and the country. Therefore, people should not be allowed freedom, they should be told what they can or can't do; and they believe that they get a special place in Paradise if they are able to go out in this life having destroyed and killed what we consider innocents and what they consider infidels.

So we come to the announcement by the U.S. Attorney General when he announced that the Department of Justice will pursue prosecution in Federal

court of five individuals accused of conspiring to commit 9/11 attacks. He said further, "I've decided to refer back to the Department of Defense five defendants to face military commission trials, including the detainee who was previously charged in the USS *Cole* bombing. The 9/11 cases that will be pursued in Federal court have been jointly assigned to prosecutors from the Southern District of New York and the Eastern District of Virginia and will be brought in Manhattan in the Southern District of New York."

He goes on and ends up saying, "In each case, my decision as to whether to proceed in Federal court or military commissions was based on a protocol that the Department of Justice and Defense developed, and it was announced in July. Because many cases could be prosecuted in either Federal courts or military commissions, that protocol sets forth a number of factors, including the nature of the offense, the location in which the offense occurred, the identity of the victims, and the manner in which the case was investigated that must be considered. In consultation with the Secretary of Defense, I have looked at all of the relevant factors and made case-by-case decisions for each detainee."

Well, it wouldn't seem that he has considered the safety and the best interests of the people that survived the attack on 9/11 in New York City, the most densely populated area in our country.

In 2005, 2006, this Congress considered these issues—and I would submit gave it better consideration than our current Attorney General—and when the Bush administration had formulated a military tribunal system without the input from Congress, it was struck down, and rightfully so. So Congress got involved. Now we have the Military Commissions Act that was passed in 2006.

The Obama administration did not like the term applied to the enemy combatants that were captured on the battlefield around the world who had made efforts and participated in the murder and destruction of American lives and American property. So, the way that bill was amended, it now reads "any alien unprivileged enemy belligerent is subject to trial by military commission as set forth in this chapter."

You have to look back.

Alien. The term "alien" means an individual who is not a citizen of the United States. You look at unprivileged enemy belligerent. The term "unprivileged enemy belligerent" means an individual other than a privileged belligerent who, A, has engaged in hostilities against the United States or its coalition partners; B, has purposefully and materially supported hostilities against the United States or its coalition partners; or C, was a part of al Qaeda at the time of the alleged offense under this chapter.

The term "hostilities" means any conflicts subject to the laws of war.

As it says in 948(h), Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose. Unfortunately, the Attorney General has elected to bring self-confessed terrorists to New York City.

I did want to walk people through what it takes to prepare a case for trial from a judge's standpoint, from a logistical standpoint. All evidence has to be transported by different individuals, whoever may have it, to the courthouse so it can be used as evidence there—sometimes it's held in different places—but eventually to the courthouse. Normally you have to keep a very careful chain of custody on any evidence, but unfortunately, this is from a battlefield where in order to get the official chain of custody started, our soldiers in harm's way would have to walk out in the middle of hostilities—perhaps there are bullets flying—and say, "Time out. I want to gather evidence that we may need to use some day in a civilian court because we have a President or Attorney General who wants me to go out in harm's way and gather fingerprint, the forensic evidence that may be used in establishing the chain of custody, never mind that it may get me killed trying to gather such evidence forensically on a battlefield," which we have never done before. It's never been necessary because people who were leaders in this country knew enough about the history of the country to avoid putting our men and women at additional risk in order to try people who wanted to kill us and destroy our way of life into a civil court, a civilian court. It just hasn't been done. It was not appropriate.

Now this is an unusual war, of course, because although the individuals who have planned, participated in killing American citizens through the 9/11 terrorist attacks, they declared war on us but we didn't officially declare war on them because they're not actually a country, which makes it more difficult. But make no mistake, war has been declared on the United States, and either we respond by fighting back in this war or the war with terror goes on from the terrorists until they win. It becomes a very one-sided war until eventually we either lose the country out of fear or terror or the American citizens decide, Gee, the risk is so great, let's just make our President king and go to a dictatorship because so often in history, people prefer a dictatorship or a king or a Caesar if they can assure that they're going to be better protected.

That is why I decided since it didn't appear that the best of judgment had been used in wanting to bring terrorists who said they participated and planned the 9/11 attacks—they just hoped to kill a lot more than 3,000 people and perhaps had hoped to kill tens of thousands of people if the buildings had collapsed sooner—it seems to me we needed to fix this.

So we are working on the language—hope to file it tomorrow, no later than Thursday—that will make this mandatory: that any alien unprivileged enemy belligerent shall be exclusively subject to trial by military commission as set forth in this chapter, words along that line, so that it is not an option for people who do not understand the risk to which they put American citizens.

Once you gather the evidence, once you have the terrorists in New York City, I would expect that is probably strategically when the defense attorneys would file a motion to change venue. Of course, the terrorists may want to keep it in New York City even though they might allege they couldn't get a fair trial because perhaps every single person in New York City eligible for jury duty might have heard about 9/11 and may have drawn opinions about what happened that day, it is a better place for terrorists to remain and be held and drag out a very long, sustained trial. Because as you find if you have been around the judicial system, if a defendant has access to tremendous amounts of money, then you can expect them to call expert after expert after expert. And yes, Federal judges can rein in the number of experts, but if they're creative enough, they may be able to come up with enough experts to drag this thing out.

And, of course, we have the rules in Federal court as State courts as well that the judge has to be the gatekeeper of what experts will be allowed to testify. They have to be found to be competent in the area to which they are going to testify. And so the judge may have weeks and weeks and weeks of hearings on whether an expert will be allowed to testify. There may be weeks and weeks and weeks of hearings regarding change of venue evidence and whether the case should be transferred, and if so, where it could be transferred where a fair trial could be had.

Amazing, but some of these things I do not believe got adequate consideration before action was taken.

So we have terrorists who are going to be brought to New York, perhaps some to Illinois. As they're awaiting trial, the thing gets dragged out, perhaps the friends of the terrorists—because we know people can get into this country illegally. We know people have come in legally, overstayed their visas, and we are not enforcing visa terminations adequately. So they could have friends here illegally. They could have people here legally. But you can bet they are going to be testing out the adequacy of the court system in which their terrorist buddies are being tried. And having read the pleading by Khalid Sheikh Mohammed that they intend to terrorize us, they intend to defeat us, to destroy us, then their friends will be looking for such a way to do that.

What better way than in the most densely populated area in this country to have some terrorist threats go on? And what you normally have when the

terrorist threats go on is evacuations, and that's when it is extremely helpful to have a community organizer in the White House because you will need lots of community organization in order to adequately evacuate massive areas of the most densely populated area in America, as the threats will likely be coming.

I have seen them happen in my own courthouse when I was a judge. I normally didn't evacuate. I had that luxury since I could order the deputies to leave me alone. But you will have those types of things.

Can we be sure that there will not be a truck, a vehicle, loaded with explosives to perhaps commit some act of terrorism in one of the tunnels? Or a vehicle. You could have a number of vehicles coming through the tunnel, coming across the bridges, loaded with explosives. Things to instill fear in the minds of American citizens.

□ 2000

Apparently these terrorists enjoy seeing Americans flee in fear. We have had an evacuation here a couple of times since I have been in Congress. My brother called after the first time since I have been here and said, I didn't see you running out of the Capitol on video. I said, Perhaps that is because I was the last one out. I would rather be killed by a terrorist than to have them see legislators running in fear because there is some terrorist threat to the Capitol. Just take me out. I know where I am going when this life is over, so I am not terribly worried about what happens in the interim.

Back to the trial. Those kinds of acts, those kinds of threats could normally be expected during the course of a trial. And as the trial goes on, you think about the jailers who are maintaining a watch on the terrorists in New York City. Think about their families. Maybe their immediate family, their wife, their children, or if it is a female, their husband and their children. Think about perhaps even their mother or father, siblings. Who will be safe, because you know as much research as went in so carefully to the planning and the destruction of the World Trade Centers, that planning will likely go into the next terrorist attack, and what better time than when terrorists are on trial in New York, because to their warped, distorted way of thinking, what a great time to be blown up with all of these infidels surrounding them in New York City—infidels to them, innocents who deserve protection to the rest of us.

So as you get through the trial, you have not only the jailers, you have bailiffs, you have jailers who transport them. You have people working on the vehicles that will transport them. You have people working on perhaps air cover and working on the aircraft that will provide air cover, if any. You will have people who will be in those vehicles and aircraft. You have people all along the way, and every single person

is a potential link that may be exploited by terrorists, either of their families or of those individuals, because these individuals intend to scare us and to show that we can do them no harm, but they can sure scare us. So what better opportunity.

During the course of the trial, of course, it is a daily thing to transport prisoners back and forth from the courtroom. You have people all over the courthouse. It may be more restricted during the trial, but it is really difficult to restrict the ongoing business in New York City. And especially since, as I read, the Attorney General says they intend to have them brought in Manhattan in the Southern District of New York, to Manhattan itself. Unbelievable. Unbelievable.

So there are a lot of people who are at risk, including the people in New York City. And in case someone, Mr. Speaker, is tempted to think, "Well, this is 2009; that occurred September of 2001. I am sure those people have gotten over the panic, the fear, the trauma, the tragedy of that horrible day on 9/11," well, you don't have to go very far back and recall the insensitivity of this administration in having Air Force One fly over New York, accompanied by a fighter jet, which caused a sheer panic, as some may have seen on You Tube, among citizens in New York because they thought it is happening again and a fighter may have to shoot down Air Force One. It was unbelievable insensitivity, and as some may recall, at least one person lost their job over it.

It won't take much to start the panic all over again. The insensitivity is just amazing, just amazing.

So we are told, in addition, not only should we bring these terrorists to New York City, the most densely populated area in the country, but we should keep in mind that we are one of the largest Muslim Nations in the world, that we are not a Christian Nation.

I can't help but in this hallowed Hall, this incredible historic building, go back to the painting of George Washington down the hall as he extended his resignation, and the end of it, the resignation, after he had won the revolution, as he resigned, which was something which had never before or since been done in the history of mankind, lead a revolution and military, win, and then just go home after you did your job. Washington was an extraordinary man.

At the end of his resignation, he says, "I now make it my earnest prayer"—that's right, prayer—"that God would have you and the State over which you preside, in his holy protection, that he would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to Government, to entertain a brotherly affection and love for one another, for their fellow citizens of the United States at large, and particularly for their brethren who have served in the field," which is what we just did on Veterans Day. These are

Washington's own words that he wrote in his resignation at the end. "And finally, that he would most graciously be pleased to dispose us all, to do justice, to love mercy, and to demean ourselves with charity, humility and pacific temper of mind, which were the characteristics of the divine author of our blessed religion, and without an humble imitation of whose example in these things, we can never hope to be a happy Nation."

And he signed, "I have the honor to be with great respect and esteem Your Excellency's most obedient and very humble servant, George Washington."

That was our first President, our first Commander in Chief. Those were his words. That is what he thought. He thought we had a divine author of our blessed religion. He didn't know what our current President knows, apparently.

Out here we have a painting right outside, a massive painting of the Constitutional Convention. After nearly 5 weeks of accomplishing virtually nothing, Benjamin Franklin, 80 years old, about 2 and a half years away from meeting his maker, brilliant, witty, charming, quite the man, stood up and he was recognized.

He said we have been going for nearly 5 weeks. We have more noes than ayes know. He said, "In this situation of this assembly," and we know these were his words taken by James Madison, "groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how does it happen, sir, that we have not hitherto once thought of humbly applying to the Father of Lights to illuminate understanding? In the beginning contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the divine protection. Our prayers, sir, were heard and they were graciously usually answered."

"All of us who were engaged in the struggle must have observed frequent instances of a superintending providence in our favor. To that kind of providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? Or do we imagine we no longer need his assistance?"

See, this was during the founding, the creation of the Constitution. The Founders felt like it was okay to pray to God for divine protection and they were not worried if that insulted someone because it is what they believed.

Franklin stated, "All of us who were engaged in the struggle must have observed frequent instances of a superintending providence in our favor." He believed God was answering our prayers.

Anyway he goes on and says, "I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot

fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, sir, in the sacred writing, that 'except the Lord build the house, they labor in vain that build it.'

"Firmly believe this," Benjamin Franklin said. He went on and said, "I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel. We shall be divided by our little partial local interest; our projects will be confounded, and we ourselves shall become a reproach and bye word down to future ages. I therefore beg leave to move that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in the assembly every morning."

It was seconded and unanimously adopted. From that day to this, we do not begin in this Chamber, or prior when the Congress met in other chambers, we don't meet without starting with prayer, without apologies.

You go on to Abraham Lincoln, one of the greatest theological discussions, and this came from a man who basically was self-educated, well read, self-taught, voracious reader, but he loved reading the Bible. He believed in God as indicated throughout his writings. And as he tried to reconcile the horrible, bloody Civil War that had gone on, profound words he wrote. As he wrestled—you can feel the inner conflict in himself when he tries to reconcile the North and South fighting, brother against brother, family member against family member—he said these words that are inscribed on the north side of the Lincoln Memorial, "Both read the same Bible and prayer to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purpose. 'Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh.'

"If we shall suppose," Lincoln said "that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him?"

"Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away."

□ 2015

Lincoln continued: "Yet, if God wills that it continue, until all the wealth piled by the bondman's two hundred

and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether.'

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

"To bind up the Nation's wounds"? Does anyone think that we do that by bringing terrorists back to instill more terror in an area where the wounds have not yet been bound up and have not yet healed? It's a terrible mistake being made. A terrible mistake being made. And it may gain some knowing nods and smiles at some international cocktail party where members of this administration may go and say, see, we brought terrorists back to New York City, back to the most densely populated area. We inflicted upon ourselves even more terror. Aren't we wonderful? Self-flagellation, aren't we great? We beat ourselves up. Don't you love us?

We've seen there is no appreciation in the world when the United States hurts itself either by spending too much money or by opening its doors to terrorists who want to destroy our way of life and we do nothing about it until it's too late.

We're dealing with the PATRIOT Act. And I've had severe concerns about the national security letters when we found out that they were being abused under Director Mueller's watchful eye. But it needs to be reauthorized. There needs to be greater oversight than there was. There have been corrections made, but there are some protections in that act that have afforded us the ability to stay without a major terrorist attack for 8 years. This is no time to open ourselves up to additional terror by bringing terrorists on our soil, potentially allowing them to go free on our soil, potentially allowing them to go free anywhere.

They declared war. The tradition and the history of mankind is when you are from a group that declares war on another people, another country, and you're captured, you remain captured. You remain a prisoner until such time as your friends cease the war. And there is no intent to cease the war on behalf of the terrorists, as we have seen.

There are those who think that this administration is trying to create a situation where there is more damage and destruction financially, perhaps, through terrorists so they have to declare martial law and take over. I don't believe that for a moment. I just think there is a terrible lapse in judgment that may allow those things to happen.

But you go back to Thomas Jefferson. He said, "The natural progress of things is for liberty to yield and government to gain ground." You had John Adams, who said, "Property must be secured or liberty cannot exist."

We helped secure property when we kept the terrorists who want to destroy our way of life off of American soil over in the Middle East and then in the last 2 or 3 years at Guantanamo Bay.

Of course, Washington said, "Government is not reason. It is not eloquence. It is force. Like fire, it is a dangerous servant and a fearful master."

Of course, Abraham Lincoln went on to say, "We have been the recipients of the choicest bounties of heaven." Lincoln went on and he said, "We have grown in numbers, wealth, and power as no other nation." Lincoln finished his comment by saying, "But we have forgotten God."

We are creating self-inflicted wounds and it's time to stop. And hopefully we will have enough people on both sides of the aisle who will sign on to this bipartisan bill. I'm hoping it will be very bipartisan because Congress, as I have already read, has the obligation to set up all the courts inferior to the Supreme Court to set out their jurisdiction, set out their venue in the collective wisdom of this place.

And if we have a Chief Executive who's not aware of the coming damage and destruction that may occur by bringing people to the most densely populated area in the country in which to try them and have their friends try to destroy the trial itself, then it is the duty of this body to step up and say, you know, hey, under the Constitution this is our job. We're supposed to create the courts so you know where to try them. And we're going to eliminate the choice that you now have so that you put them in the right place. That's what should be done. That's what we need to pass. That's what the Congress was supposed to do according to the Constitution.

But we have already seen this year when Congress punted and when the Supreme Court punted. And so unelected, unconfirmed people meeting in secret as part of the White House decided what businesses would fall in the auto business, what would gain. They destroyed all the years of bankruptcy law, all the incredible wisdom that came together in the bankruptcy law, and turned it upside down.

Secured creditors were treated like dirt. Unsecured creditors were catapulted, because it involved unions, to the top. Turned the law upside down.

Well, that shouldn't have been allowed to stand. The Founders wanted us to step up and utilize the power that they gave this body. So you had dealerships, and in some places they had borrowed millions of dollars to buy the dealership, and all of a sudden some people that didn't even own cars were saying, you know what, close their dealership, maybe even give it to somebody down the road. And those people

were left owing their banks the money they borrowed because some unelected, unconfirmed bureaucrat said this is the way we're going to do it. Oh, yes, well, of course, they did have to run into a lazy bankruptcy court's judge. Maybe he's not lazy; maybe he's just ambitious, who would sign off on that and give it the color of law.

But some may not know bankruptcy judges have to stand for reappointment, and many bankruptcy judges hope that they will invoke the favor of a President who will elevate them to a Federal district bench for life rather than on the bankruptcy court. And that has happened before many, many times.

But Congress stood mute and let the Constitution be turned upside down, let the laws that this body passed be turned upside down. So then the last hope of all the checks and balances put in place by our Founders was the Supreme Court. And Justice Ruth Bader Ginsberg, to her credit, put a 24-hour hold on that fiasco, that abomination under the laws of the United States and the Constitution. But she withdrew it, or it died at the end of the 24 hours, and all checks and balances on power were avoided, and we did exactly what the Founders hoped would never happen: we ignored the power of all the different branches so that one unelected, unappointed group could just run things as they wanted.

We can't let that type of action happen again here. We created the military commissions in this Congress under our authority of the Constitution. It is our obligation as a Congress to step in and protect the people of New York from the terrorism that will in all likelihood flow. And if you don't believe it, then go read the unclassified pleading filed by Khalid Sheikh Mohammed. If you don't believe that they mean harm, then you can check out the accounts of what goes on at Guantanamo.

What we have seen, found out in trips to Guantanamo Bay, shows that these guys are being treated better than prisoners I've ever seen in State or Federal prison in Texas and in other Federal prisons in the country, maximum security prisons, that is. They're fed well. They get several hours a day outside. They are given movie hours to watch movies.

In fact, one of the biggest problems at Guantanamo is not for the prisoners but comes from the prisoners. They are so brilliant and innovative, they figure out ways to throw urine and feces on our guards. But the standing order at Guantanamo, as told by the commander to me, the standing order is whoever has urine or feces thrown on them from one of the inmates may go and shower and change and take the rest of the day off. But to my knowledge, nobody has taken the rest of the day off. They go shower, clean up, and then they come back to duty.

I was told that there was one service-member who, from having feces thrown

on him, actually lost his temper and yelled at the inmate, and for that he received an article 15 punishment for losing his temper after he had body excrement thrown on him.

When I have tried to find out if there wasn't some way to punish the prisoners who commit those types of assaults on our guards, I'm told that because there are so many international visitors, including Red Cross or whatever groups, come, Amnesty International, the groups that come, they come often enough that the people at Guantanamo did not want for these groups to come and find they put somebody in solitary confinement, despite the physical assaults. So there is no real punishment that is inflicted upon inmates that commit assaults on guards.

But, in fact, they may take a couple of their 4 hours of movie watching away; and if it's a bad enough assault on one of our guards, they may take away some of their time outside, which the inmates enjoy, of course, very much, and they get more of than most any prison that I've been to, maximum security prison.

□ 2030

A maximum security prison, that is what we are dealing with in Guantanamo. People are well taken care of. But they are dangerous, and they want to destroy our way of life. And until their buddies declare that the war is over, we ought to continue to maintain them and keep them locked up away from American soil. And if the administration is absolutely intent on trying them before their buddies cease this war upon America, then it ought to be before a military commission, as Congress created in 2006 and has been amended even this year at the request of this administration.

So that's why I'm going to be filing a bill and asking, Mr. Speaker, colleagues on both sides of the aisle to please join in. Let's protect the families of victims of 9/11 in New York from having to endure this insufferable blow of having smirking, happy terrorists come to New York and gloat over this destruction and death they caused there. They do not deserve to gloat over the deaths and destruction they brought to New York City. They do not deserve to gloat over the destruction and death in Washington, D.C.

They deserve to be kept confined for the rest of their natural lives, but at least until their buddies say they are no longer at war, and they all give up, and then we can pound our swords into plowshares. Until that time, this body owes a duty to American citizens to protect it, to see that the administration doesn't subject it to unnecessary harm.

So with that, Mr. Speaker, I will yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for from 2 p.m. until 3:15 p.m. today on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material!)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

#### ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 955. An act to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office."

H.R. 1516. An act to designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the "Sergeant Marcus Mathes Post Office".

H.R. 1713. An act to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley "Wes" Watkins.

H.R. 2004. An act to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the "Akron Veterans Memorial Post Office".

H.R. 2215. An act to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shivnen Post Office Building".

H.R. 2760. An act to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the "Johnny Grant Hollywood Post Office Building".

H.R. 2972. An act to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the "Conrad DeRouen, Jr. Post Office".

H.R. 3119. An act to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California as the "Lim Poon Lee Post Office".

H.R. 3386. An act to designate the facility of the United States Postal Service located at 1165 2d Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office".

H.R. 3547. An act to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the "Rex E. Lee Post Office Building".

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 748. An act to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office".

S. 1211. To designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the "Jack F. Kemp Post Office Building".

S. 1314. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office".

S. 1825. An act to extend the authority for relocation expenses test programs for Federal employees, and for other purposes.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 18, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4659. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Tomatoes From Souss-Massa-Draa, Morocco [Docket No.: APHIS-2008-0017] (RIN: 0579-AC77) received November 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4660. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Ulocladium oudemansii* (U3 Strain); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0760; FRL-8436-6] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4661. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Certain Polyurethane Polymer; Tolerance Exemption [EPA-HQ-OPP-2009-0478; FRL-8796-3] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4662. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methamidophos; Tolerance Actions [EPA-HQ-OPP-2007-0261; FRL-8796-1] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4663. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Inert Ingredients; Revocation of Tolerance Exemption for Sperm Oil [EPA-HQ-OPP-2007-1125; FRL-8350-6] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4664. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Competition Requirements for Purchases from Federal Prison Industries (DFARS Case 2008-D015) (RIN: 0750-AG03) received November 2,

2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4665. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Steel for Military Construction Projects (DEFARS Case 2008-D038) (RIN: 0750-AG16) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4666. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Senior DoD Officials Seeking Employment with Defense Contractors (DFARS Case 2008-D007) (RIN: 0750-AG07) received November 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4667. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Pilot Program for Transition to Follow-On Contracting After Use of Other Transaction Authority (DFARS Case 2008-D030) (RIN: 0750-AG17) received November 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4668. A letter from the Deputy Secretary of Defense, Department of Defense, transmitting authorization of 19 officers to wear the authorized insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

4669. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8097] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4670. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Dominican Republic pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4671. A letter from the Secretary, Department of Education, transmitting the Department's final rule — American Recovery and Reinvestment Act of 2009 (ARRA); Title 1, Part A of the Elementary and Secondary Education Act of 1965, as Amended (ESEA); Part B, Section 611 of the Individuals With Disabilities Education Act (IDEA) [Docket ID: ED-2009-OESE-0011] (RIN: 1819-AB05) received November 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4672. A letter from the Secretary, Department of Education, transmitting the Department's final "Major" rule — General and Non-Loan Programmatic Issues [Docket ID: ED-2009-OPE-0005] (RIN: 1840-AC99) received November 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4673. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program; Test Procedures for Fluorescent Lamp Ballasts (Stand-by Mode) [Docket No.: EERE-2008-BT-TP-0007] (RIN: 1904-AB77) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4674. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — HIPAA Administrative Simplification: En-

forcement (RIN: 0991-AB55) received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4675. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "FDA Amendments Act of 2007 Section 904: Communicating to the Public on the Risks and Benefits of New Drugs"; to the Committee on Energy and Commerce.

4676. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Clean Air Interstate Rule [EPA-R03-OAR-2009-0034; FRL-8975-2] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4677. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Corrections to the Arizona and Nevada State Implementation Plans [EPA-R09-OAR-2009-0435; FRL-8976-3] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4678. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, California Air Resources Board Consumer Products Regulations [EPA-R09-OAR-2009-00353; FRL-8979-9] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4679. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Northern Sierra Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0371; FRL-8970-6] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4680. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8795-9] (RIN: 2070-AJ55) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4681. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 48 [EPA-HQ-SFUND-2009-0062, EPA-HQ-SFUND-2009-0066, EPA-HQ-SFUND-2008-0584; FRL-8977-5] (RIN: 2050-AD75) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4682. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Fair Credit Reporting Affiliate Marketing Regulations; Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 (RIN: 3084-AA94) received November 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4683. A letter from the Under Secretary of Defense, Department of Defense, transmitting notice that the Department's Fiscal Year 2009 Agency Financial Report will be published electronically; to the Committee on Oversight and Government Reform.

4684. A letter from the Management Analyst, Regulatory Products Division, Department of Homeland Security, transmitting

the Department's final rule — Commonwealth of the Northern Mariana Islands Transitional Worker Classification [CIS No. 2459-08; DHS Docket No. USCIS-2008-0038] (RIN: 1615-AB76) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4685. A letter from the Management Analyst, Regulatory Products Division, Department of Homeland Security, transmitting the Department's final rule — Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands [EOIR Docket No.: 169 AG Order No. 3120-2009] (RIN: 1125-AA67) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4686. A letter from the Clerk of the House of Representatives, transmitting annual compilation of financial disclosure statements of the members of the board of the Office of Congressional Ethics, pursuant to Rule XXVI, clause 3, of the House Rules; (H. Doc. No. 111—76); to the Committee on Standards of Official Conduct and ordered to be printed.

4687. A letter from the Chief, Publications and Regulations Branch, Department of Treasury, transmitting the Department's final rule — LMSB Division Director Memorandum — Industry Director Directive IDD U.S. Outer Continental Shelf Activity [LMSB-4-0909-037] received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 908. A resolution providing for consideration of the bill (H.R. 2781) to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. 111—339). Referred to the House Calendar.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 909. A resolution providing for consideration of the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes (Rept. 111—340). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DENT:

H.R. 4083. A bill to suspend temporarily the duty on polyoxethylene-alkyletherphosphate; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 4084. A bill to suspend temporarily the duty on alkylated amino resin solution, formaldehyde; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. DOGGETT, Mr. CAMP, Mr. TIBERI, Mrs. BONO MACK, Ms. ESHOO, Mr. HONDA, Ms. GIFFORDS, Mr. MCCAUL, Mr. SMITH of Texas, Mr. MEEKS of New York, Mr. CARTER, Ms. LINDA T. SANCHEZ of California, Mr. SCHAUER, and Ms. ZOE LOFGREN of California):

H.R. 4085. A bill to amend the Internal Revenue Code of 1986 to allow an investment

credit for property used to fabricate solar energy property, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK:

H.R. 4086. A bill to require that certain conditions be met before the transfer of an individual detained at Naval Station, Guantanamo Bay, Cuba; to the Committee on Armed Services.

By Mr. NUNES (for himself, Mr. CONAWAY, and Mr. REHBERG):

H.R. 4087. A bill to extend temporarily the suspension of duty on nylon woolpacks used to package wool; to the Committee on Ways and Means.

By Mr. CARTER (for himself, Mr. PETRI, Mr. CONNOLLY of Virginia, Mr. RUPPERSBERGER, Mr. HUNTER, Mr. ROE of Tennessee, Ms. MCCOLLUM, Mr. RYAN of Wisconsin, Mr. COLE, Ms. BALDWIN, Mr. KIND, Mr. DOYLE, Mrs. BIGGERT, Ms. FALLIN, Mr. DONNELLY of Indiana, Mr. HOLDEN, Mr. ELLISON, Mr. CONAWAY, Ms. ROS-LEHTINEN, Mr. OLSON, Mrs. LUMMIS, Mr. PIERLUISI, Mrs. BLACKBURN, Ms. CHU, Mr. EDWARDS of Texas, Mr. MCCAUL, Ms. NORTON, Ms. GRANGER, Mr. THORNBERRY, Mrs. McMORRIS RODGERS, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. DAVIS of Tennessee, Mr. KING of New York, Mr. WESTMORELAND, Mr. WAMP, Mr. BROUN of Georgia, Mr. AL GREEN of Texas, Mr. CANTOR, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. HENSARLING, Mr. GOHMERT, Mr. KING of Iowa, and Mr. DAVIS of Kentucky):

H.R. 4088. A bill to ensure that the members of the Armed Forces and civilian employees of the Department of Defense who were killed or wounded in the shootings at Fort Hood are treated in the same manner as members who are killed or wounded in combat zones or civilian employees who are killed or wounded in a terrorist attack or while serving with the Armed Forces in a contingency operation; to the Committee on Armed Services, and in addition to the Committees on Ways and Means, Oversight and Government Reform, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Ms. KAPTUR, Mr. MOORE of Kansas, Ms. HIRONO, Mr. ABERCROMBIE, Mr. MCNERNEY, Mr. RYAN of Ohio, Mr. TERRY, and Ms. SUTTON):

H.R. 4089. A bill to create and extend certain temporary district court judgeships; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois (for himself, Mr. LEWIS of Georgia, and Mr. TIBERI):

H.R. 4090. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on investment income of private foundations, and for other purposes; to the Committee on Ways and Means.

By Mr. DELAHUNT (for himself, Mr. GOHMERT, Mr. JOHNSON of Georgia, Mr. FRANKS of Arizona, Mr. MORAN of Virginia, Mr. CAO, Mr. HASTINGS of Florida, Mr. MCCAUL, Mrs. DAVIS of California, Mr. SCHIFF, Mr. DANIEL E. LUNGREN of California, Mr. PIERLUISI, Ms. BALDWIN, Mr. DAVIS of Alabama, and Mr. FRANK of Massachusetts):

H.R. 4091. A bill to amend titles 18 and 28 of the United States Code to provide incen-

tives for the prompt payments of debts owed to the United States and the victims of crime by imposing late fees on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELLAURO:

H.R. 4092. A bill to allow Americans to receive paid sick time so that they can address their own health needs, and the health needs of their families, related to a contagious illness; to the Committee on Education and Labor, and in addition to the Committees on House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO:

H.R. 4093. A bill to authorize the Director of the Bureau of Prisons to purchase the Thomson Correctional Center in Thomson, Illinois, and for other purposes; to the Committee on the Judiciary.

By Mr. MELANCON:

H.R. 4094. A bill to prohibit insurers from canceling or refusing to renew homeowners insurance policies because of the presence of certain types of drywall in the home; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself, Mr. TIAHRT, Mr. MORAN of Kansas, and Ms. JENKINS):

H.R. 4095. A bill to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. PERRIELLO:

H.R. 4096. A bill to amend the Public Health Service Act to extend the deadlines applicable to filing petitions for compensation under the National Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mr. SCHOCK (for himself, Mr. KIRK, Mr. SHMKUS, Mr. JOHNSON of Illinois, Mrs. BIGGERT, Mr. ROSKAM, and Mr. MANZULLO):

H.R. 4097. A bill to prohibit the use of funds to transfer individuals detained by the United States at Naval Station, Guantanamo Bay, Cuba, to Thomson Correctional Center, Thomson, Illinois; to the Committee on Armed Services.

By Mr. TOWNS:

H.R. 4098. A bill to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MACK (for himself and Mr. TOWNS):

H. Con. Res. 213. Concurrent resolution expressing the sense of Congress for and solidarity with the people of El Salvador as they

persevere through the aftermath of torrential rains which caused devastating flooding and deadly mudslides; to the Committee on Foreign Affairs.

By Ms. WATERS (for herself, Mr. WOLF, Ms. BORDALLO, Mrs. CHRISTENSEN, Ms. ROS-LEHTINEN, Ms. CORRINE BROWN of Florida, Ms. RICHARDSON, Mr. LEWIS of Georgia, and Ms. DELAURO):

H. Res. 910. A resolution supporting the goals and ideals of National Alzheimer's Disease Awareness Month and National Memory Screening Day, including the development of a national health policy on dementia screening and care; to the Committee on Energy and Commerce.

### MEMORIALS

Under clause 4 of rule XXII,

220. The SPEAKER presented a memorial of the House of Representatives of the State of Tennessee, relative to House Joint Resolution No. 546 urging the Department of Veterans Affairs to Accept Rhea County's proposed donation of its old hospital building, facilities, and campus to the VA; to the Committee on Veterans' Affairs.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 205: Mrs. BONO MACK.  
 H.R. 211: Mr. TIERNEY and Ms. NORTON.  
 H.R. 333: Mr. GRAYSON.  
 H.R. 483: Ms. PINGREE of Maine.  
 H.R. 510: Mr. SCHOCK.  
 H.R. 537: Mr. JACKSON of Illinois, Mr. RANGEL, Mr. TIM MURPHY of Pennsylvania, and Mr. DUNCAN.  
 H.R. 571: Mr. NEUGEBAUER, Mr. FLEMING, and Mrs. MALONEY.  
 H.R. 574: Mr. FORTENBERRY.  
 H.R. 616: Mr. LIPINSKI and Mr. HEINRICH.  
 H.R. 648: Mr. BOSWELL.  
 H.R. 690: Mr. BARTON of Texas.  
 H.R. 808: Mr. GRAYSON.  
 H.R. 855: Mr. GRIFFITH.  
 H.R. 868: Mr. BISHOP of New York and Mr. VAN HOLLEN.  
 H.R. 948: Mr. MARSHALL.  
 H.R. 988: Mr. GERLACH and Mr. DAVIS of Tennessee.  
 H.R. 1177: Mr. CLEAVER and Mr. WESTMORELAND.  
 H.R. 1308: Ms. BALDWIN.  
 H.R. 1347: Mr. CONYERS and Mr. PAYNE.  
 H.R. 1362: Mr. CALVERT, Mr. STARK, and Mr. MASSA.  
 H.R. 1378: Mr. KAGEN, Mr. YARMUTH, Mr. WELCH, Mr. GUTHRIE, and Mr. HELLER.  
 H.R. 1412: Ms. SCHAKOWSKY.  
 H.R. 1423: Mr. NADLER of New York and Mrs. MCCARTHY of New York.  
 H.R. 1479: Ms. RICHARDSON.  
 H.R. 1520: Mrs. LUMMIS.  
 H.R. 1522: Mr. HILL.  
 H.R. 1557: Ms. KOSMAS, Mrs. BACHMANN, and Mr. FATTAH.  
 H.R. 1616: Mr. BAIRD.  
 H.R. 1707: Mr. SCHOCK.  
 H.R. 1718: Mr. FORTENBERRY.  
 H.R. 1784: Ms. KOSMAS.  
 H.R. 1826: Ms. SUTTON.  
 H.R. 1891: Mr. POSY.  
 H.R. 1974: Mr. MCCOTTER.

H.R. 2068: Mr. MICHAUD.  
 H.R. 2103: Mr. SPRATT and Mr. BLUMENAUER.  
 H.R. 2112: Mr. MCGOVERN, Mr. KILDEE, Mr. OLVER, and Mr. TIERNEY.  
 H.R. 2149: Mr. WILSON of Ohio.  
 H.R. 2246: Mr. MASSA.  
 H.R. 2279: Mr. FILNER and Ms. SLAUGHTER.  
 H.R. 2296: Mr. EDWARDS of Texas.  
 H.R. 2298: Mr. CONYERS.  
 H.R. 2324: Ms. CLARKE, Mr. ANDREWS, Mr. CROWLEY, and Mr. PASCARELL.  
 H.R. 2360: Mr. CASTLE.  
 H.R. 2408: Ms. CHU.  
 H.R. 2452: Ms. RICHARDSON and Mr. KENNEDY.  
 H.R. 2480: Mr. KILDEE, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM, Mr. COFFMAN of Colorado, Mr. BISHOP of New York, and Mr. JACKSON of Illinois.  
 H.R. 2523: Ms. RICHARDSON and Mr. CALVERT.  
 H.R. 2570: Ms. CHU.  
 H.R. 2573: Mr. HINCHEY, Mr. MCCOTTER, and Ms. TITUS.  
 H.R. 2598: Mr. SABLAN and Mr. HOLT.  
 H.R. 2607: Mr. POE of Texas.  
 H.R. 2611: Ms. CLARKE and Ms. RICHARDSON.  
 H.R. 2614: Mr. COHEN.  
 H.R. 2628: Mr. LUCAS.  
 H.R. 2690: Mr. AL GREEN of Texas.  
 H.R. 2698: Mr. THORNBERY, Ms. BORDALLO, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mr. CHANDLER, Mr. CHILDERS, and Mr. HODES.  
 H.R. 2699: Ms. BORDALLO, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mr. CHANDLER, Mr. CHILDERS, and Mr. HODES.  
 H.R. 2730: Mr. JACKSON of Illinois.  
 H.R. 2766: Mr. ENGEL, Mr. SMITH of Washington, and Mrs. NAPOLITANO.  
 H.R. 2788: Mr. CRENSHAW, Mr. MICHAUD, Mr. FOSTER, and Mrs. DAHLKEMPER.  
 H.R. 2799: Mr. MICA, Mr. CULBERSON, Mr. ARCURI, Mr. YOUNG of Alaska, Ms. NORTON, Mr. HERGER, and Mr. WALZ.  
 H.R. 2829: Mr. RANGEL.  
 H.R. 2840: Mr. HEINRICH.  
 H.R. 2849: Mr. ROTHMAN of New Jersey and Mr. PASCARELL.  
 H.R. 2887: Mr. PAUL.  
 H.R. 3017: Mr. BOCCIERI.  
 H.R. 3020: Mr. MURPHY of New York, Mr. MASSA, and Mr. SCHAUER.  
 H.R. 3053: Mr. RANGEL.  
 H.R. 3077: Mr. WU.  
 H.R. 3147: Mr. RANGEL and Ms. KAPTUR.  
 H.R. 3149: Ms. LORETTA SANCHEZ of California.  
 H.R. 3251: Mr. MILLER of Florida.  
 H.R. 3259: Mr. BAIRD, Mr. EHLERS, Ms. RICHARDSON, Mr. GRIJALVA, and Mrs. MCMORRIS RODGERS.  
 H.R. 3339: Ms. BORDALLO.  
 H.R. 3402: Mr. HODES.  
 H.R. 3431: Mr. TIM MURPHY of Pennsylvania.  
 H.R. 3468: Mr. CRENSHAW.  
 H.R. 3471: Ms. SHEA-PORTER.  
 H.R. 3511: Mr. SCOTT of Georgia.  
 H.R. 3553: Mr. HEINRICH.  
 H.R. 3577: Mr. WALZ, Mr. CARNEY, Ms. FUDGE, Mr. PLATTS, and Mr. BACA.  
 H.R. 3613: Mr. JOHNSON of Illinois, Mr. SMITH of Texas, Ms. GRANGER, Mr. BACHUS, and Mr. OLSON.  
 H.R. 3627: Mr. MASSA, Mr. BOUCHER, and Mr. REHBERG.  
 H.R. 3644: Mr. HOLT, Mr. PALLONE, Mr. HINCHEY, Mrs. MILLER of Michigan, Mr. SARBANES, Mr. INSLER, and Mrs. NAPOLITANO.  
 H.R. 3646: Mr. DOYLE.  
 H.R. 3657: Mr. WALZ and Ms. FUDGE.

H.R. 3664: Mr. ROTHMAN of New Jersey.  
 H.R. 3799: Mr. MOORE of Kansas.  
 H.R. 3810: Mr. LIPINSKI.  
 H.R. 3839: Mr. SHUSTER.  
 H.R. 3844: Mr. BARROW.  
 H.R. 3852: Mrs. MALONEY, Mr. TONKO, and Mr. HINCHEY.  
 H.R. 3943: Mr. GERLACH, Ms. CLARKE, Mr. TAYLOR, Ms. FUDGE, Mr. DENT, Mrs. BIGGERT, Mrs. MILLER of Michigan, Mr. UPTON, Mrs. EMERSON, Mr. SCHOCK, Ms. GIFFORDS, Ms. CASTOR of Florida, Mr. TBERI, and Mr. LANCE.  
 H.R. 3966: Ms. WATSON.  
 H.R. 3991: Mr. HINOJOSA and Mr. HOLT.  
 H.R. 4022: Mr. MEEK of Florida.  
 H.R. 4036: Ms. RICHARDSON, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, and Mrs. MALONEY.  
 H.R. 4047: Mr. MELANCON.  
 H.R. 4052: Mr. SENSENBRENNER.  
 H.R. 4063: Ms. BORDALLO.  
 H. Con. Res. 18: Mr. MCHENRY.  
 H. Con. Res. 40: Mr. CALVERT.  
 H. Con. Res. 160: Mrs. BLACKBURN, Mr. BRALEY of Iowa, and Mr. CAMPBELL.  
 H. Con. Res. 203: Mr. BUTTERFIELD and Ms. FOX.  
 H. Res. 200: Mr. POE of Texas.  
 H. Res. 267: Mr. CULBERSON.  
 H. Res. 510: Mr. KIRK, Mrs. HALVORSON, and Ms. SCHAKOWSKY.  
 H. Res. 771: Mr. ALTMIRE.  
 H. Res. 812: Mr. ADLER of New Jersey, Mr. PALLONE, and Mr. HOLT.  
 H. Res. 840: Mr. WOLF.  
 H. Res. 852: Mr. WESTMORELAND.  
 H. Res. 860: Ms. SCHAKOWSKY, Mr. SHULER, Ms. BERKLEY, Mr. WALZ, Mr. BLUMENAUER, Mr. MINNICK, and Mr. MOORE of Kansas.  
 H. Res. 861: Mr. DICKS, Mr. BISHOP of New York, Mr. MCMAHON, Mr. ADLER of New Jersey, Mr. BOCCIERI, Mr. LEE of New York, Mr. CHAFFETZ, Mr. LANGEVIN, and Ms. KOSMAS.  
 H. Res. 870: Mr. FRELINGHUYSEN and Mr. BUYER.  
 H. Res. 900: Mr. ACKERMAN, Mr. TONKO, Mr. HALL of New York, Mr. TOWNS, Mr. ARCURI, Mr. HIGGINS, Mr. MEEKS of New York, Mr. HINCHEY, Mr. TAYLOR, Mr. ABERCROMBIE, Mr. SNYDER, Mr. SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. ANDREWS, Ms. HARMAN, Mr. CONNOLLY of Virginia, Mr. CROWLEY, Mr. WEINER, Mr. MURPHY of New York, Mr. COURTNEY, Mr. LARSEN of Washington, Mrs. DAVIS of California, Mr. LANGEVIN, Mr. ROSS, Ms. ESHOO, Mr. HEINRICH, Mr. SESTAK, and Mr. LOEBSACK.

### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3904: Mr. HINOJOSA.

### PETITIONS, ETC.

Under clause 1 of rule XXII,

80. The SPEAKER presented a petition of City of Lauderdale Lakes, Florida, relative to Resolution No. 09-98 urging the Congress of the United States to extend the first-time home buyer a tax credit under the Housing and Economic Recovery Act of 2008; which was referred to the Committee on Ways and Means.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

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WASHINGTON, TUESDAY, NOVEMBER 17, 2009

No. 170

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal God, source of our strength, we come before You today remembering that Your presence and power sustain us during life's rigorous demands. Lord, it is comforting to know that in every situation You are always present to empower us with Your love.

Today, use our lawmakers as instruments of Your peace and love. Examine their hearts and minds, providing them with the courage to walk continually in Your truth. Look favorably upon their efforts to build a better nation and world, guiding them with Your wisdom.

Lord, lead our Nation also. May our efforts at home and abroad reflect Your character and grace.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
WASHINGTON, DC, NOVEMBER 17, 2009.  
To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, pending the arrival of the majority leader, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, I apologize to my counterpart, the distinguished Senator from Kentucky, for not being here, but I was occupied outside the Chamber.

Mr. President, following leader remarks, there will be a period for morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes, the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of H.R. 3082, the Military Construction-Veterans Affairs appropriations bill. Several amendments are still in order to the bill. We expect a vote for up to three of those amendments prior to lunch. Following the recess, we will have a number of votes we have to

take. It is important that we do that. The Senate will recess from 12:30 to 2:15 for the weekly party caucuses, but following the recess the Senate will proceed to vote in relation to the Inhofe amendment, No. 2774, to be followed by a vote on passage of the bill, as amended.

Upon disposition of H.R. 3082, there will be 1 hour of debate prior to a cloture vote on the nomination of David Hamilton to be U.S. circuit judge for the Seventh Circuit.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### HEALTH CARE REFORM

Mr. McCONNELL. Mr. President, we know the House-passed health care bill will cut Medicare, raise taxes, and raise premiums. We also know the bill being developed by the majority leader will do the same. This morning, I want to focus on the \$½ trillion cuts in Medicare—\$½ trillion over 10 years.

We have here the House-passed health care bill in its entirety. This is a 2,000-page, as the Wall Street Journal called it, "monstrosity." In the area of the Medicare cuts, what does that mean? When you say you are going to cut Medicare by \$½ trillion over 10 years, what does it mean? It means cuts to hospitals, cuts to Medicare Advantage, cuts to nursing homes, cuts to home health care, and cuts to hospice. Those vital programs would be collectively subjected to \$½ trillion in cuts over 10 years.

Focusing on hospice, this is the section of the bill that deals with hospice. The legalese is a little bit mind-boggling, but to give you a sense of how these things are written, it says, "Subclause (VII) of section"—and it goes on:

. . . 1814(i)(1)(c)(ii) of the Social Security Act . . . is amended by inserting after "the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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market basket percentage increase" the following: "(which is subject to the productivity adjustment . . . )"

Described in another section.

You would have to be steeped in legalese and minutia to understand what that means, so I am going to interpret it for our colleagues so they will know what that means. It means an \$8 billion cut to hospice. That is what that language means, an \$8 billion cut to hospice.

What does that mean for seniors? According to Victoria Scarborough, who is a nurse in Danville, KY, it means sacrificing patient care. Here is what she had to say about the prospect of an \$8 billion cut to hospice:

We are able to do this—provide excellent health care at low cost—because we are present at the bedside with the patient, sitting at the kitchen table, holding a spouse's hand. We depend upon our highly skilled personnel; our "services" are our people. For hospices the productivity adjustment makes little sense, we need our people.

That illustrates the impact of an \$8 billion cut in hospice.

On the chart behind me, I mention the other areas that are being cut: hospitals, Medicare Advantage, nursing homes, home health, and hospice, which I just described.

Another cut would be to Medicare Advantage. The section of the bill—this is the front page—dealing with the Medicare Advantage reforms, they are called, says "Phase-In Of Payment Based On Fee-For-Service Costs." What does that mean? What does "Phase-In Of Payment Based On Fee-For-Service Costs" mean? It means that \$236 billion in cuts to Medicare will occur—\$236 billion in this program out here, Medicare Advantage, that will occur as a result of this bill. What does that mean, the \$236 billion of cuts to Medicare Advantage? The Congressional Budget Office has said it means fewer benefits for seniors. That is the Congressional Budget Office that says it means fewer benefits for seniors.

Norma Hylton of Lexington, KY, recently wrote:

Mr. Obama says he'll take away the Medicare Advantage plans. . . . This makes us very concerned about the healthcare plans being debated. I truly believe all seniors (maybe others) will suffer.

We know the overall bill raises taxes, raises health insurance premiums for the 85 percent of Americans who already have health insurance, and cuts Medicare by \$½ trillion. This morning, what I tried to do is point out what some of those cuts mean; what taking \$8 billion out of hospice means, this important program dealing with folks who are at the end of life; and what taking \$236 billion out of Medicare Advantage means, as a practical matter, to constituents in my State and across the country.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Illinois is recognized.

#### HEALTH CARE REFORM

Mr. DURBIN. Mr. President, the Republican leader just came to the floor, as he has with regularity, to speak to the issue of health care reform. We are all addressing it because it is a major issue we are facing in this Congress, a major opportunity for this country to deal with a health care system that needs to be fixed. There are parts of it that are very strong but parts of it that need to be fixed.

The cost of health care today in America is going up so fast that it is outstripping the ability of individuals and businesses to buy health insurance coverage. We have seen the cost of premiums go up three times faster than wages. The story is obvious. For most workers across America, the choice each year is take-home pay or increased costs for health insurance, and they understand it is unsustainable.

Just 10 years ago, the cost of a health insurance plan for a family of four was \$6,000. This year, it is \$12,000, on average. Ten years from now, it will be \$24,000. To think that 10 years from now people will have to work to earn \$2,000 a month just to pay for the health care for a small family tells you we have to make a change.

The Senator from Kentucky on the Republican side came to the floor to criticize not the Senate bill but the House bill. I would say to the Senator from Kentucky, in all fairness, let's address the Senate bill which will be reported this week. It has literally been reviewed by the Congressional Budget Office for the last 3 or 4 weeks, and it will come out this week and be posted on the Internet for everyone to read in its entirety. At that point, I think the criticisms leveled by the Senator from Kentucky will be put in context. Let's look at the Senate bill.

I would also like to stand here and wave before you a copy of the Republican bill on health care reform, but it does not exist. There is no Republican alternative to health care reform. They are satisfied with the current system. They want to keep the status quo. Like the health insurance companies, they are happy with what exists. But most Americans, and certainly those I represent in Illinois, know better. They know we are at a distinct disadvantage when it comes to health care if we have to rely on health insurance companies for permission for coverage because

they are going to say no. Repeatedly, they say no. They deny you coverage when you need it the most, because of a preexisting condition. They deny you coverage because they say it costs too much. They deny you coverage because they don't want to cover a certain drug and they want to challenge you to fight them and appeal that decision. They deny coverage when you decide to change a job or lose a job. They deny coverage when a child reaches the age of 23 and is so-called emancipated and on his own. That is the existing system which the Republicans are supporting. They can support it if they wish, but most Americans do not. Most Americans want to see real health care reform.

Let's spend a moment speaking about Medicare, which the Senator from Kentucky addressed. Our goal is not only to preserve Medicare. As a political party, it was Democrats who created Medicare. It was Republicans who called it socialized medicine and opposed it. Over the years, they have tried to trim back on Medicare benefits, to reduce coverage and turn Medicare over to private insurers. That effort was called Medicare Advantage. When private health insurance companies came before Congress and said: We can do a better job than the government, we can offer Medicare coverage at a lower cost and do it more efficiently because we are the private sector, Republicans accepted that premise and tried to take away Medicare coverage from the government and offer it to private health insurance companies.

What happened? Some private health insurance companies did do it at a lower cost but not all of them. In fact, when it was all said and done, Medicare Advantage, this so-called private rescue of the Medicare Program, ended up costing 14 percent more than the Medicare Program itself. In other words, the Medicare Program was subsidizing private health insurance companies that couldn't keep their promise to deliver Medicare at a lower cost.

The Senator from Kentucky comes to the Chamber to defend those private health insurance companies, defend the subsidy they receive at the expense of Medicare. That is unacceptable and indefensible. Medicare offers the basic plan most Americans trust when they reach the age of 65. We are going to find a way to make sure we put Medicare on sound footing. The future of Medicare is in doubt if we don't deal with the underlying problems in our health care system today.

The Senator from Kentucky and his Republican side have no alternative. They are not offering health care reform or change. They are standing with the health insurance companies, defending Medicare Advantage, which enjoys this healthy subsidy from the Federal Government, and, frankly, not supporting our efforts to bring real reform to health insurance.

I can tell my colleagues the Medicare provisions in the House bill referred to

by the Senator from Kentucky were supported by AARP. They have been supported by other organizations: the Leadership Council of Aging Organizations, the National Committee to Preserve Social Security and Medicare. How does the Senator from Kentucky explain that; that they would endorse this approach to Medicare while he says it would destroy Medicare. Frankly, he happens to be mistaken. What we are doing is putting Medicare on a sound financial footing, reducing the increase in cost in medical procedures so Medicare isn't stripped of the basic funds it has.

In fact, when it is all said and done, we find that the House bill, the bill the Senator from Kentucky references, extends the life of the Medicare trust fund by an additional 5 years. How does the Senator from Kentucky explain that? If this is destroying Medicare, how does this health care reform extend its life?

Under the bill, overall national spending on health care would increase by only .8 percent over the next 10 years, compared to current law, even though 34 million Americans would be gaining coverage. Under the bill, out-of-pocket spending on health care would decline by more than \$200 billion over what it would have been by the year 2019.

When it comes to Medicare Advantage, the Senator from Kentucky says it offers more benefits for seniors. I am not opposed to offering more benefits for seniors, but I wish to make sure each and every senior under Medicare has a basic Medicare package they can count on and afford and that Medicare is put on a permanent, sound financial footing. Unfortunately, on the Republican side, they have offered no alternative.

#### MILCON APPROPRIATIONS

Mr. DURBIN. Mr. President, there is a proposal by the Federal Government that relates to a small town in the State I represent. The town is Thomson, IL. It is in Carroll County. It is 150 miles from Chicago in the northwestern portion. Carroll County is one of the small, rural counties which has been struggling because a lot of employers have gone and a lot of people have moved. Those who remain are hit hard by the recession and desperate for employment. The mayor of Thomson, Jerry "Duke" Hebel, wrote a letter to me and Governor Quinn and others asking for us to consider a prison which had been opened there for expansion as a Federal prison, and the administration is now looking at that possibility. If the Federal Government moves to take over this prison, it could create up to 3,000 jobs in the area, good-paying jobs with benefit packages. It would be a dramatic infusion into the local economy. In fact, it is estimated it would increase growth in the local economy by over \$200 million a year, almost \$1 billion over 4 years.

There is nothing that could be brought more quickly to have that kind of positive impact on a local economy. Part of this is to transfer the detainees from Guantanamo to this new prison and basically close Guantanamo. Guantanamo detainees cost the Government about \$430,000 a year per detainee. It is an extremely expensive facility, manned by the Department of Defense. Of course, we have to provide barracks and accommodations and creature comforts that we want our men and women in uniform to have at Guantanamo. Moving it to Thomson, IL, will dramatically reduce that cost.

There are those who resist this and do not want to see us move forward. I say they don't understand these detainees would be placed in a portion of this Thomson facility run by the Department of Defense. They would be in what is virtually the most secure prison in America today, where there has, incidentally, never been an escape from the supermax facility since it was built. They would be housed in this situation with no visitors. In military prisons, there is no requirement for visitation, even though some critics have said otherwise. They would not be released into the general population under any conditions because we have passed laws saying that will never happen, prohibiting release of these detainees into America. The net result is to create a dramatic number of new jobs.

Today we are going to consider amendment No. 2774 to the Military Construction appropriations bill, offered by Senator INHOFE of Oklahoma. It prohibits any funds in this bill from being used to construct or modify a facility to hold a detainee from Guantanamo. The Obama administration strongly opposes this amendment, and I hope my colleagues will join. This morning Senators REID and MCCONNELL received a letter from Defense Secretary Robert Gates, Homeland Security Secretary Janet Napolitano, and Attorney General Eric Holder, expressing strong opposition to the Inhofe amendment. It reads, in part:

Like the President and numerous others, both Republicans and Democrats, we are convinced that closing the Guantanamo Bay detention center is in the national security interests of the United States. . . . We acknowledge that closing Guantanamo has proven difficult, but that is not a reason for the Congress to preclude this important national security objective. . . . We need to get on with the work of enhancing our national security by finally closing the Guantanamo Bay detention center. The Inhofe amendment would have the opposite effect and would likely prevent further progress on this important issue. We ask that you join us in opposing the Inhofe amendment.

Let me be clear. This amendment would not prevent Guantanamo detainees from being transferred to the United States. Under current law, detainees can be transferred to the United States to be prosecuted. The Inhofe amendment does not change this. Here is what it would do: It would

prohibit the Obama administration from upgrading security at any facility in the United States where Guantanamo detainees would be held. That is unwise and unprecedented. It certainly is not in the best interests of homeland security in the United States.

Let's take a hypothetical situation. In fact, let's move beyond a hypothetical. Let's take a real-life example. Last Friday, Attorney General Eric Holder announced five Guantanamo detainees who were allegedly involved in the 9/11 terrorist attack will be prosecuted in Federal court in the Southern District of New York. They include Khalid Shaikh Mohammed, the alleged mastermind of the 9/11 attacks. I agree with Michael Bloomberg, the Republican mayor of New York, who recently said:

I support the Obama Administration's decision to prosecute 9/11 terrorists here. It is fitting that 9/11 suspects face justice near the World Trade Center where so many New Yorkers were murdered. . . . I have great confidence that the [New York Police Department], with federal authorities, will handle security expertly.

Federal courts are clearly capable of prosecuting terrorists. Since 9/11, we have successfully prosecuted 195 terrorists in our article III Federal courts. I strongly support the Attorney General's decision to prosecute these suspects in Federal court. But regardless of how one feels about the issue, every Member of Congress should know what the Inhofe amendment means. Under the Inhofe amendment, the government could not spend any money to upgrade security facilities in New York City to make certain any of these terrorist suspects are held safely. We would be prohibited from spending money because Guantanamo detainees are involved. How much sense does that make? If there is the need to upgrade security so they can be tried in a safe environment with no danger to the people of New York City, we want to spend that money, if necessary. The Inhofe amendment stops us, precludes us from spending that money. Why would the Senator from Oklahoma want to tie the President's hands?

In his zeal to keep open Guantanamo, he is trying to limit this administration. I think that is a mistake. He believes—others do as well—we should not close Guantanamo. I agree with GEN Colin Powell. He said: If I had my way, I wouldn't close Guantanamo tomorrow. I would close it this afternoon. He knows, and we know, it has become a dangerous symbol to the world, a dangerous symbol being used by terrorist organizations to recruit more for their ranks. That is why GEN Colin Powell has called for the closure of Guantanamo. That is why it has also been called on to close by former President George W. Bush, who on eight different occasions called for its closure. GEN David Petraeus has also called for its closure, as has ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, as well as Robert Gates, Secretary of

Defense under Presidents Bush and Obama. I urge colleagues to oppose the Inhofe amendment, give this administration the tools it needs to keep America safe. Let us not second-guess them when it comes to safety and security for America's people. That is what the Inhofe amendment would do. That, in and of itself, would be a serious mistake.

#### FOOD SAFETY MODERNIZATION ACT

Mr. DURBIN. Mr. President, tomorrow, Chairman TOM HARKIN will lead the Health, Education, Labor, and Pensions Committee in the markup of a food safety bill, S. 510, the FDA Food Safety Modernization Act. I introduced this bill with Senator JUDD GREGG of New Hampshire and a broad coalition of Senators from both sides of the aisle. I thank those Senators—especially the late Senator Ted Kennedy, who joined as a cosponsor of the bill, and Senators DODD, BURR, ISAKSON, ALEXANDER, KLOBUCHAR, and CHAMBLISS—for joining me to fight for America's food safety. Since we introduced this bill, a number of other Members have signed on, including Senators HATCH, GILLIBRAND, TOM UDALL, and Senator BURRIS. We are pleased to have their support. There is bipartisan support for the FDA Food Safety Modernization Act because food safety is not a partisan issue. The safety of our food supply affects everybody every day.

As we learned from recent events, eating unsafe food—whether it is spinach contaminated with *E. coli*, peanut butter laced with salmonella or melamine-spiked candy—can lead to serious illness and death. Every year 76 million Americans suffer from preventable foodborne illness; 325,000 are hospitalized each year and 5,000 will die. Every 5 minutes, three people are rushed to the hospital because the food they ate made them sick. At the end of each day, 13 will die. The tragedy of these deaths is clear. We certainly recognize the anguish of loved ones who lose someone to food contamination. What is less understood are the long-term consequences for those who do survive. Victims are affected for months, sometimes years, after they leave the hospital.

Last week, the Center for Foodborne Illness, Research & Prevention released a report on the long-term health consequences of foodborne illness. The report shows it is often the lasting damage that causes more pain and suffering than the immediate effects felt right after eating contaminated food. That means that after the initial stomach aches and diarrhea have run their course, many foodborne illness victims will suffer from a lifetime of paralysis, kidney failure, seizures and mental disability and sometimes premature death. What is worse, children, pregnant women, and elderly Americans are among the most vulnerable.

I wish to show you a photo of this lovely young girl. Her name is Rylee.

She knows the story of foodborne illness personally. On the morning of her ninth birthday, Rylee learned her family would celebrate by taking a road trip to an aquarium. Rylee couldn't have been more excited. Similar to many 9-year-olds, this cute little girl loved to sing and dance. On the morning of her birthday, she was doing both. Before the end of the day, Rylee was rushed to the hospital, where she was hospitalized for a month. Before she got to the aquarium, Rylee ate a salad. What she didn't know was the salad contained spinach that was laced with *E. coli*. The next day, Rylee had a stomach ache and severe diarrhea.

Her condition continued to worsen. Days later she was in excruciating pain. Her blood pressure was abnormally low. She was dehydrated, and her kidneys began to fail. As her parents watched in horror, Rylee began to hallucinate on the hospital bed. Rylee and her family were suffering more pain than they ever thought imaginable—all because Rylee had eaten a salad she thought was safe.

She escaped this incident with her life. But she, like millions of foodborne illness victims, will endure health complications indefinitely. She will need multiple kidney transplants over the course of her life. She had to endure a painful surgery and challenging speech therapy, so she can no longer sing or speak with a loud voice.

Rylee has not given up hope. She was recently walking the Halls of Congress advocating for food safety reform. I heard her share her story with hundreds of parents, victims, and other supporters of the Make Our Food Safe Coalition.

Although her voice is now permanently softer and lower than it was before her illness, we heard Rylee's message loudly and clearly: All Americans deserve food that is safe.

Mr. President, I would like to show you another photo I have in the Chamber. This is a picture of Mary Ann of Mendota, IL. She is 80 years old. Mary Ann is pictured with her young grandson. I shared her story with the HELP Committee just a few weeks ago.

Mary Ann was planning a big Labor Day family celebration, and she decided to make a spinach salad. She used spinach which she did not know was contaminated with *E. coli*.

Hours after eating the spinach, Mary Ann was sprawled across her bathroom floor—vomiting violently and experiencing uncontrollable diarrhea. Then her kidneys failed.

Instead of spending time with her family on that holiday, she spent it in the hospital, staying there for 6 weeks, receiving medical treatment intravenously. Thankfully, Mary Ann is alive, but the quality of her life is never going to be the same.

This country has a good system, and most of our food is safe. But there are far too many lives—such as Mary Ann's and Rylee's—that have been compromised by the long-term effects of foodborne illness.

Parsing the FDA Food Safety Modernization Act is an important step toward ensuring that the food we eat is safe and that we no longer hear these heartbreaking stories. This act will finally provide the FDA with the authority and resources it needs to prevent, detect, and respond to food safety problems.

The bill will increase the frequency of inspection at all food facilities, according to the risk they present. Because FDA does not currently have the resources or statutory mandate to inspect more frequently, most facilities are only inspected by the FDA about once every decade. The FDA Food Safety Modernization Act will require high-risk facilities to be inspected annually. Lower risk facilities would be inspected every 4 years.

The bill gives the FDA long-overdue authority to conduct mandatory recalls of contaminated food. Most people are stunned to know that the Federal Government does not have the authority to recall contaminated food. This bill will change that when it is signed into law.

Most companies cooperate with the FDA's recall efforts, but we have to make sure those who hesitate and are uncooperative are called into line.

Some—such as the Peanut Corporation of America, which distributed thousands of pounds of peanuts and peanut paste contaminated with salmonella—did not fully or quickly recall the food that was on the markets that made people sick. The food safety bill in HELP will change that by ensuring that the FDA can compel a company to recall food.

Experts agree that individual businesses are in the best position to identify and prevent food safety hazards. People who run these facilities know where the vulnerabilities are on their assembly lines, and they know which hazards the food products they work with are most at risk for. That is why the bill asks each business to identify the food safety hazards at each of its locations and then implement a plan that addresses the hazards.

The bill gives FDA the authority to review and evaluate those food safety hazard prevention plans and to hold companies accountable for not complying with the requirements of the plan.

Finally, the bill gives the FDA the authority to prevent contaminated food from other countries from entering the United States. Importers will have to verify the safety of foreign suppliers and imported food so we know the food we are bringing into our country is safe. If a foreign facility refuses U.S. food safety inspections, the FDA will then have the authority to deny entry to imports from that facility.

The FDA Food Safety Modernization Act employs these and other common-sense approaches to help the FDA do its job of ensuring the food we eat is safe. The bill is balanced, bipartisan, and it is supported by a broad coalition

of not just consumer advocates but the major business interests in food production and marketing.

I thank Chairman TOM HARKIN of Iowa and Senator MIKE ENZI of Wyoming for leading the markup of S. 510. I hope this bill will come to the Senate floor. I know my Republican colleagues who have joined me as cosponsors believe, as I do, this is a step in the right direction of ensuring the food supply in America is even safer.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, would you kindly let me know when 9 minutes have expired in my remarks?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

Mr. ALEXANDER. Thank you, Mr. President.

#### HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, not long ago, eight Democratic Senators wrote to the majority leader and said what all 40 Republican Senators have expressed and what most Americans—I think maybe 99 percent of Americans—would say we need to do. They said: Before we proceed to a vote on the health care bill that is so much in discussion across this country today, that we, No. 1, have a complete legislative text; that we, No. 2, have a complete estimate of its costs from the Congressional Budget Office; and, No. 3, it be on the Internet for 72 hours so the American people can read it—read the text, know what it costs, have time to consider both.

We are looking forward to that bill. What we know is, we have a 2,000-page bill that has been passed by the House of Representatives narrowly. The majority leader has had in his office a secret bill that he is working on which we have not seen yet.

This morning, I would like to talk about one of the reasons it is important we be able to read the text, know what it costs, and know how it affects each American. We have talked a lot about how the bills we have seen so far have the effect of raising insurance premiums, increasing taxes, cutting Medicare, and increasing the Federal debt, when what we are supposed to be doing is reducing the cost of health care for individuals and families and reducing the cost of health care to the government which is spiraling out of control in terms of deficit spending.

But all of that obscures an even more serious problem with the health care bills we have seen so far; that is, the effect on the States. As a former Gov-

ernor of Tennessee, that is what I want to address for a few minutes this morning.

I picked up my newspaper in Nashville on Sunday morning, and here was the headline: “[Governor] Bredesen Faces Painful Choices as [Tennessee] Begins Budget Triage.” “Triage”—that is a sort of talk usually reserved for an emergency room.

I have said several times—and some people, I am sure, thought I was being facetious—that any Senator who votes to expand Medicaid and transfer enormous costs to the States ought to be sentenced to go home and serve as Governor for 2 terms and try to implement the Medicaid Program, which is bankrupting States and ruining public higher education. I am not facetious when I say that because if we have a chance to read these bills and know what they cost, they have the potential to literally bankrupt States and ruin public higher education.

But do not take my word for it. Here is the Nashville Tennessean and the Knoxville News Sentinel writing about Governor Bredesen of Tennessee. Knoxville.com reports: “relentless bad news.” Now, Tennessee is “fiscally better off than many States.” The “shortfall is less severe than the Bredesen administration estimate[d].” “But there is no quarrel,” according to the State’s largest newspapers, that Tennessee’s State government “faces a grim situation”—“\$750 million in cuts.” Then things got worse because the money coming in this year is less than was expected. The Governor “has told his department heads to present him with suggestions for budget cuts of 6 percent and to include contingency plans for adding another 3 percent.”

Those are real cuts. We talk about cuts in Washington. We talk about reducing the rate of growth. Those are not real cuts. In Tennessee and in California and in Illinois, and all across this country, cuts are cuts. You spend less this year than you did the year before.

“Layoffs . . . are likely, the Governor says.” “This will be my toughest budget year.”

Charles Sisk, writing in the Tennessean of November 16, says:

Tennessee might release as many as 4,000 non-violent felons, possibly even including people convicted of drug dealing and robbery, under a plan outlined Monday by the Department of Correction to deal with the state’s budget crisis.

The National Governors Association, in an analysis last week, points out a combination of the economic downturn—the deepest since the Great Depression—and the increase in State Medicaid—now, this is not Medicare for seniors we are talking about; this is the largest program for low-income Americans, 60 million Americans for which States pay about one-third of that cost, which the health care plans we have seen intend to dump about 14 million more Americans into—spending for those programs average 8 per-

cent growth this year, while Governors such as Governor Bredesen are making actual cuts. Well, you can imagine what that is doing to other important State programs and tuition.

The Washington Post reported what the Office of the Actuary at the Centers for Medicare and Medicaid Services said over the weekend; which is, generally speaking, when we add more people to the Medicaid Program the doctors and the hospitals who are expected to serve them will not be willing to serve them. I will say more about that in a minute.

So how in the world, in the light of these conditions, could we even be thinking about a provision in this health care bill that would add tens of billions of new costs to the States? We decide in Washington that it is a great idea to expand health care, but we send the bill to the Governors and the legislators who are in their worst fiscal condition since the Great Depression.

That is called an unfunded mandate. If we think it is such a great idea to dump 14 million more Americans into a low-income program called Medicaid—for which 50 percent of doctors will not see new patients because they are so under-reimbursed—then we should pay for it somehow in the Federal budget instead of dumping the bill onto the States.

For Tennessee, the costs will be, according to Governor Bredesen, who is a Democrat and the cochairman of the National Governors Association health care caucus—he says this will cost our State \$1.4 billion over the next 5 years.

This is real money. How much money? Well, based on my experience as Governor, I do not see how the State of Tennessee could afford to pay that without instituting a new State income tax or without doing serious damage to higher education in Tennessee or both. And I believe it is true of every State in America. The majority leader thought it was true of his State, so he fixed it for his State and three others, but for just 5 years. Then what happens after the 5 years? Well, you put the bridge out on the chasm a little further and you fall off as far or maybe farther than you already would.

Forty percent of physicians, according to a 2002 Medicare Payment Advisory Committee survey, restrict access for Medicaid patients. So we are saying here we have a great health care reform bill and not only is it going to bankrupt States but it doesn’t do any favors for a great many low-income Americans, because we are putting them in a system where 40 percent of doctors won’t see them freely, and 50 percent of doctors won’t see new Medicaid patients at all. In some States, the number of doctors who will see babies, who will see children, is as low as 20 or 30 or 40 percent. So as a way of partially dealing with that, the House bill says, OK, States are going to be required to pay primary care doctors who see Medicaid patients as much as Medicare doctors are paid. That adds another big new bill to the State, runs up

the State taxes, runs up the college tuition payments when the States are unable to properly fund the colleges and the universities and the community colleges. So my colleagues can see why this is so much trouble: billions more for the Federal Government; billions more for the States. Then it is like giving the low-income Americans who end up in this government program, which is expanding, a ticket to a bus line that doesn't operate half the time, because half the doctors won't see new Medicaid patients.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. ALEXANDER. Thank you very much, Mr. President.

Add to all of that the idea of dumping 14 million more low-income Americans into the Medicaid Program not only ruins States fiscally, hurts public higher education in the States, puts these patients in programs that doctors won't see; it is a program where \$1 out of \$10 is wasted by fraud and abuse, according to the Government Accountability Office.

Republicans suggest that instead of these comprehensive, sweeping, 2,000-page bills that raise taxes, raise premiums, raise the debt, add to State taxes, hurt higher education because of what I described, and put low-income Americans into a program that half the doctors won't see, we should move step by step to reduce costs. We should start with small business health plans that allow businesses to pool their resources and insure more people at a lower cost; allow purchasing of health insurance across State lines; reduce the number of junk lawsuits against doctors; create health insurance exchanges so more Americans can shop for cheaper health insurance; and do something about waste, fraud, and abuse. If we were to take those steps, that would be real health care reform because it would be reducing costs to the American people and to our government.

Mr. President, I ask unanimous consent that the articles I referred to earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From *knoxnews.com*, Nov. 15, 2009]

NEWS ON STATE BUDGET GRIM

(By Tom Humphrey)

NASHVILLE—Phil Bredesen, preparing the last state budget he will present as Tennessee's governor, will begin on Monday hearing recommendations from his most trusted advisers on how to cut spending plans to account for relentless bad news.

Tennessee, according to a nationwide study released last week, is fiscally better off, than many states. Further, according to a legislative committee's staff calculations, the current state revenue shortfall is less severe than the Bredesen administration estimates.

But there is no quarrel with the general proposition that Tennessee state government faces a grim situation.

The budget plan adopted in June and now in place for the present fiscal year, which

began July 1, includes the anticipation that about \$750 million in cuts will be needed for the fiscal year beginning July 1, 2010—most of that amount in reductions avoided this year by using federal stimulus money.

And that was before things got worse. According to the state Department of Finance and Administration, which is part of Bredesen's administration, state tax collections are already \$101.3 million less than assumed when this year's budget was enacted.

"The stimulus has kind of concealed what's been going on in terms of revenues," Bredesen said.

Overall, federal funding provides about \$12.1 billion of the \$29.6 billion state budget this year. General state taxes provide about \$12.6 billion—the shrinking portion that funds general state government—with the rest coming from earmarked revenues such as college tuition and license fees.

The Legislature's Fiscal Review Committee staff has calculated that the state revenue shortfall currently is just \$7.2 million below what it was projected back when the current budget was presented to lawmakers. An explanation of the differences gets pretty complex, including a committee estimate that the state's tax take will decline more dramatically in the next few months than does the Bredesen administration's projection of a rebound.

#### A VERY DEEP HOLE

But there is uniform agreement that the state's budget picture is grim.

"The state remains in a very deep hole that it is not going to climb out of in this budget year," said Jim White, executive director of the Fiscal Review Committee. "That hole is going to require very painful and drastic budget reductions across much of state government. The only question is how bad it will be."

White says \$290 million in cuts will be needed in addition to the programmed \$750 million in cuts.

Bredesen, accepting his staff calculations, has told his department heads to present him with suggestions for budget cuts of 6 percent and to include contingency plans for adding another 3 percent in cuts if things go even worse than expected. That process begins Monday with the Department of Education.

The state funds public schools statewide through the Basic Education Program. The governor and the Legislature avoided cuts to the BEP for the current year.

Avoiding them again, Bredesen said, will be a priority. But any increase in education funding, such as needed for making more children eligible for pre-kindergarten programs, is forgotten.

Another priority is honoring commitments to economic development projects, Bredesen has said.

Keeping education and economic development commitments whole, of course, requires deep cutting in other areas, such as the Department of Children's Services or the Department of Mental Health, which were aided by federal stimulus money this year.

#### EMPLOYEE FURLONGHS AN OPTION

Layoffs of state employees are likely, the governor says, though he will look at alternatives such as furloughs.

"This will be my toughest budget year," said Bredesen, who will leave office in January 2011, after his successor is elected next year. "I hate to go out that way, but that's the way it is."

Bredesen has taken some partisan criticism for the budget situation. Senate Republican leader Mark Norris, for example, recently declared Bredesen should have made deeper cuts in the current budget in accord with a GOP proposal that the Democratic governor branded "stupid" during the legislative session.

But Senate Speaker Ron Ramsey, a Republican who is seeking his party's nomination for election as governor next year, said he generally agrees with the Bredesen approach.

"The governor is doing exactly as I'll do when I'm governor," he told reporters last week.

"It's going to be a tough budget year. The only upside is that people realize we're in tough times and it's not going to be easy."

Tennessee is apparently in better shape, fiscally speaking, than many other states.

In a rating of all 50 states' fiscal status last week, the Pew Center for the States declared that there are 10 states threatened with "economic disaster," with California leading the list. The rating assigned a score for each state, with the higher scores indicating a more dangerous financial situation.

California had a 30, and all the others in the top 10 problem states had a score of 22 or greater.

Tennessee's score was 15, the same as North Carolina. Other border states have lower scores, including Arkansas at 14 and Virginia at 13, while others had higher scores, including Kentucky at 21 and Mississippi at 20.

[From the Washington Post, Nov. 15, 2009]

REPORT: BILL WOULD REDUCE SENIOR CARE

(By Lori Montgomery)

A plan to slash more than \$500 billion from future Medicare spending—one of the biggest sources of funding for President Obama's proposed overhaul of the nation's health-care system—would sharply reduce benefits for some senior citizens and could jeopardize access to care for millions of others, according to a government evaluation released Saturday.

The report, requested by House Republicans, found that Medicare cuts contained in the health package approved by the House on Nov. 7 are likely to prove so costly to hospitals and nursing homes that they could stop taking Medicare altogether.

Congress could intervene to avoid such an outcome, but "so doing would likely result in significantly smaller actual savings" than is currently projected, according to the analysis by the chief actuary for the agency that administers Medicare and Medicaid. That would wipe out a big chunk of the financing for the health-care reform package, which is projected to cost \$1.05 trillion over the next decade.

More generally, the report questions whether the country's network of doctors and hospitals would be able to cope with the effects of a reform package expected to add more than 30 million people to the ranks of the insured, many of them through Medicaid, the public health program for the poor.

In the face of greatly increased demand for services, providers are likely to charge higher fees or take patients with better-paying private insurance over Medicaid recipients, "exacerbating existing access problems" in that program, according to the report from Richard S. Foster of the Centers for Medicare and Medicaid Services.

Though the report does not attempt to quantify that impact, Foster writes: "It is reasonable to expect that a significant portion of the increased demand for Medicaid would not be realized."

The report offers the clearest and most authoritative assessment to date of the effect that Democratic health reform proposals would have on Medicare and Medicaid, the nation's largest public health programs. It analyzes the House bill, but the Senate is also expected to rely on hundreds of billions of dollars in Medicare cuts to finance the package that Majority Leader Harry M. Reid (D-Nev.) hopes to take to the floor this

week. Like the House, the Senate is expected to propose adding millions of people to Medicaid.

The Centers for Medicare and Medicaid Services administers the two health-care programs. Foster's office acts as an independent technical adviser, serving both the administration and Congress. In that sense, it is similar to the nonpartisan Congressional Budget Office, which also has questioned the sustainability of proposed Medicare cuts.

In its most recent analysis of the House bill, the CBO noted that Medicare spending per beneficiary would have to grow at roughly half the rate it has over the past two decades to meet the measure's savings targets, a dramatic reduction that many budget and health policy experts consider unrealistic.

"This report confirms what virtually every independent expert has been saying: [House] Speaker [Nancy] Pelosi's health-care bill will increase costs, not decrease them," said Rep. Dave Camp (Mich.), the senior Republican on the House Ways and Means Committee. "This is a stark warning to every Republican, Democrat and independent worried about the financial future of this nation."

Democrats focused Saturday on the positive aspects of the report, noting that Foster concludes that overall national spending on health care would increase by a little more than 1 percent over the next decade, even though millions of additional people would gain insurance. Out-of-pocket spending would decline more than \$200 billion by 2019, with the government picking up much of that. The Medicare savings, if they materialized, would extend the life of that program by five years, meaning it would not begin to require cash infusions until 2022.

"The president has made it clear that health insurance reform will protect and strengthen Medicare," said White House spokeswoman Linda Douglass. "And he has also made clear that no guaranteed Medicare benefits will be cut."

Republicans argued that the report forecasts an increase in total health-care spending of more than \$289 billion.

[From the Knoxville News Sentinel, Nov. 15, 2009]

#### BREDESEN FACES PAINFUL CHOICES AS TN BEGINS BUDGET TRIAGE

(By Tom Humphrey)

Phil Bredesen, preparing his last state budget as Tennessee's governor, will begin on Monday hearing recommendations from his most trusted advisers on how to cut spending to account for relentless bad news.

Tennessee, according to a nationwide study released last week, is fiscally better off than many states. Further, according to a legislative committee's staff calculations, the current state revenue shortfall is less severe than the Bredesen administration estimates.

But there is no quarrel with the general proposition that Tennessee state government faces a grim situation.

The budget plan adopted in June and now in place for the present fiscal year, which began July 1, includes the anticipation that about \$750 million in cuts will be needed for the fiscal year beginning July 1, 2010—most of that amount in reductions avoided this year by using federal stimulus money.

And that was before things got worse. According to the state Department of Finance and Administration, which is part of Bredesen's administration, state tax collections are already \$101.3 million less than assumed when this year's budget was enacted.

[From the Tennessean, Nov. 16, 2009]  
STATE MAY RELEASE PRISONERS TO CUT COSTS

(By Chas Sisk)

Tennessee might release as many as 4,000 non-violent felons, possibly even including people convicted of drug dealing or robbery, under a plan outlined Monday by the Department of Correction to deal with the state's budget crisis.

Correction Commissioner George Little said the department would have no choice but to recommend early release of inmates if it were to implement the budget cuts called for by Gov. Phil Bredesen. The department has already squeezed out savings and left more than 300 positions unfilled, and it is relying heavily on federal stimulus funding in its current budget, he said.

"This isn't scare tactics," he said. "We've got to make ends meet. . . . We would not propose these sorts of very serious and weighty options if we were not in such dire circumstances."

Bredesen, who does not have to submit his budget plan until Feb. 1, did not commit to the plan.

"If you were going to take that dramatic step, I would only want to do it with the assurance that I got the budget savings I would expect," Bredesen said.

The plan, which Little described on the first day of state budget hearings, would involve releasing prisoners from local jails, saving the department in per diem expenses.

To meet Bredesen's goal of cutting 6 percent, or \$35 million, from the Department of Correction's budget, as many as 2,155 inmates held in local jails would need to be released, Little said. Another 1,078 prisoners would need to be released from the state's jails if Bredesen were to call for an additional cut of 3 percent, as the governor has indicated he might do.

Alternatively, the department could close one or two of the state's 14 prisons, a move that would result in the release of about 4,000 felons. Such a move would likely result in the release of more dangerous criminals, but it would prevent local sheriffs, judges and district attorneys from replacing inmates who were released with other criminals.

In either scenario, the department would aim to release inmates who had committed Class C, D or E property crimes. Class C felonies include crimes such as drug dealing, bribery and simple robbery and carry a sentence of three to 15 years. Class D and Class E felonies are less serious crimes.

The state currently has about 19,700 in its prisons, but the department already had plans to reduce that population to 18,500 inmates with the closure of the state prison in Whiteville at the end of next year. Most of the budget for that facility had come from the \$48 million in federal funding that the department is getting during the current fiscal year—money that will largely disappear once the stimulus program has run its course.

"We've, frankly, exhausted all of our options other than, frankly, prison population management," Little said.

#### THE STATE FISCAL SITUATION: THE LOST DECADE

The fiscal condition of states deteriorated dramatically over the last two years because of the depth and length of the economic downturn, and state officials do not expect this situation to improve any time soon. Previous downturns have proven that the worst budget years for a state are the two years after the national recession is declared over. States' recoveries from the current recession, however, may be prolonged with

most economists projecting a slow and potentially jobless national recovery. Moreover, even when recovery begins, states will continue to struggle because they will need to replenish retiree pension and health care trust funds and finance maintenance, technology and infrastructure investments that were deferred during the crisis. They will also need to rebuild contingency or rainy day funds. The bottom line is that states will not fully recover from this recession until late in the next decade.

The Current Situation—The recent economic downturn started in December 2007 and likely ended in August or September 2009, making it one of the deepest and longest since the Great Depression. State revenues were down 4.0 percent in the last quarter of calendar year 2008, and 11.7 and 16.6 percent in the first two quarters of 2009, respectively. These findings are consistent with the Fiscal Survey of States estimate that state revenues declined 7.5 percent in fiscal year (FY) 2009, which for most states ended June 30, 2009.

Revenues will likely continue down for another one or two quarters before turning up slowly. This precipitous drop in state revenues is consistent with past recessions in which the trough in state revenue generally coincides with the peak in unemployment. Most economists forecast that unemployment will continue to increase for several months and possibly into the first quarter of 2010.

Similarly, Medicaid spending, which is about 22 percent of state budgets, averaged 7.9 percent growth in FY 2009, its highest rate since the end of the last downturn six years ago. Medicaid enrollment is also spiking, with projected growth of 6.6 percent in FY 2010 compared with 5.4 percent in 2009. The combination of falling revenues, which accompany high unemployment, and an explosion in Medicaid enrollment, which occurs very late in an economic downturn, explain why a recession's greatest impact on state budgets occurs one to two years after the downturn is over. States' budget problems are reflected in the latest Fiscal Survey of States, which shows states closed budget gaps of \$72.7 billion in FY 2009 and \$113.1 billion in FY 2010. This includes tax and fee increases of \$23.8 billion in 2010. Even with cuts and tax increases, states are experiencing new budget shortfalls totaling \$14.5 billion for 2010 and \$21.9 billion for 2011. Given projected revenue shortfalls, however, these shortfalls will increase dramatically over the next several months.

The American Recovery and Reinvestment Act (ARRA)—Of the \$878 billion in ARRA funds, about \$246 billion came to or through states in more than 40 programs. Most importantly, the \$87 billion in Medicaid funds and the \$48 billion in state stabilization funds were flexible and allowed states to offset planned budget cuts and tax increases. The Medicaid funds allowed states to reprogram state funds that were originally to fund Medicaid expansions, while the education money was targeted for elementary, secondary and higher education, which represents about one-third of state spending. If Congress had not made these funds available, state budget cuts and tax increases would have been much more draconian and devastating to state governments, their employees and citizens. Both the ARRA Medicaid and education funds expire at the end of December 2010. States must plan for the serious cliff in revenues they will face at that time.

The Recovery Period—While there is still uncertainty regarding the shape of the recovery, there seems to be a growing consensus that it will be slow. Numerous studies project that state revenues will likely not recover until 2014 or 2015. A recent forecast

by Mark Zandi at Economy.com showed that the national unemployment rate, which straddled 5.5 percent during the 2001–2007 period, will not attain that level again until 2014. Similarly Zandi's latest forecast indicated that state revenues will not return to the 2008 level in real terms until FY 2013. As mentioned above, until employment improves, state revenues will continue to struggle. Work by the Nelson A. Rockefeller Institute of Government similarly indicates that per capita real revenues will not reach the 2007 level until 2014. Making matters worse, economist Robert Kuttner has indicated that the states' fiscal shortfalls will be about \$350 billion over the next several years.

Deferred Investments—Even when recovery begins in the 2014–2015 period, states will be faced with a huge “over hang” in needs and will have to accelerate payments into their retiree pension and health care trust funds, as well as fund deferred maintenance and technology and infrastructure investments. They will also have to rebuild contingency or rainy day funds. All of these needs were postponed or deferred during the 2009–2011 period and will have to be made up toward the end of the decade. According to a 2007 Pew Center on the States report, states have an outstanding liability of about \$2.73 trillion in employee retirement, health and other benefits coming due over the next several decades, of which more than \$731 billion is unfunded.

The bottom line is that states will continue to struggle over the next decade because of the combination of the length and depth of this economic downturn and the projected slow recovery. Even after states begin to see the light, they will face the “over-hang” of unmet needs accumulated during the downturn. The fact is that the biggest impact on states is the one to two years after the recession is over. With states having entered the recession in 2008, revenue shortfalls persisting into 2014 and a need to backfill deferred investments into core state functions, it will take states nearly a decade to fully emerge from the current recession.

Mr. ALEXANDER. I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNIS. Mr. President, thank you. I rise today to also speak about health care. I will tell my colleagues when the Senator from Tennessee was talking about Medicaid, we former Governors can relate to what he was saying. I had the opportunity, as the Presiding Officer knows, to be Governor of Nebraska for 6 years, and Medicaid was an enormous challenge. It is eating up State budgets. States are struggling. My own State, which has done better than just about every other State in the country, is in special session today trying to figure out how to find cuts of about \$330 billion, which is a lot of money in our State. Plus, there are these tremendous access problems, how to get people into Medicaid. So I wish to associate myself with his comments.

I wish to speak today, if I could, about some townhall meetings I had back home in Nebraska this last week. As soon as we recessed, I headed home. In about 48 hours we had four townhall meetings. Boy, if I were to give some advice, I would say whenever this bill comes out we should call a recess for a

week. We should all agree upon it in a bipartisan way, and we should go home, and we should listen to the people. I got so much good prairie wisdom, as I call it, from the folks back home. I wish to talk about that today.

One of the things I talked about as I was making my presentation is the proposed Medicare cuts and the impact it has on Nebraskans, real people. The impact on the current Nebraska health care delivery system cannot be denied. DISH hospitals we estimate today—and again we will see the final bill and we will figure out what the exact numbers are—but the estimate is there will be \$142 million in cuts to those hospitals. Our nursing homes across the State that do such a great job with our senior population estimate cuts of about \$93.2 million. Home health is a program I have always respected and what they do. The idea is, if we can keep people in their home longer versus a nursing home, that saves money. So I promoted it as a Governor and I promote it now. They are projecting \$126 million in cuts. By 2016, it is estimated that 66 percent of Nebraska home health agencies will be operating in the red. Then, hospice estimates they will have a 12-percent payment reduction. That is a real impact on services because in our hospice systems, oftentimes people are driving long distances to provide that service. Then Medicare Advantage, which is a popular program back home, especially with poor citizens in rural areas—about 35,000 Nebraskans currently have plans, and as my colleagues know, that has a big bull's-eye on it for cuts. Some say that wasn't a very good program, but I will tell my colleagues the people who have that program like it.

Citizens came to me and they shared concerns about access to care. They shared concerns such as: Is this going to bring down the cost of health care? Those are promises that have been made as this health care debate has unfolded. Our President has made those promises. Questions were raised such as: How about Medicare? What impact will it have? Are there going to be negative impacts? Today, as I did during the townhalls, I wish to try to address these questions.

In fact, I wrapped up my townhalls on Friday in Lincoln, NE, and then the experts over at the Center for Medicare and Medicaid Services actually answered these questions for us. On Saturday, the following day, the chief actuary of the Obama administration's CMS released a report that analyzed the recently passed House legislation. Why is that important? It is important because the House has finished its work for now and, ultimately, if the Senate were to pass a bill, it is the House bill and the Senate bill that will be conferenced. It concluded this: There are decreases in access to health care services. Medicare payments to hospitals and nursing homes are reduced over time based on certain productivity targets.

The idea is that by paying institutions less money, they will be forced to become more productive. I will tell my colleagues that in Nebraska, if you have a critical access hospital in a rural area and it is serving 25 patients, today they are as productive as they can possibly get. If you have a nursing home in a small community and your idea as the Governor or as the family is that a loved one can stay close to home, they are about as productive as they can get.

Congress could intervene and say, well, we are not going to make those cuts in the years to come, but the actuary said, and I am quoting: “So doing would likely result in significantly smaller actual savings.”

So there we have it. We have experience in this area where every year Congress doesn't take the action, and it doesn't bend the cost curve, according to this expert.

Earlier this year the President said—and I am quoting—that this “will slow the growth of health care costs for our families, our businesses, and our government.”

Yet CMS forecasts an actual increase in total health care spending of more than \$289 billion over the next 10 years. I am quoting here again from that report:

With the exception of the proposed reductions in Medicare payment updates for institutional providers, the provisions of H.R. 3962 would not have a significant impact on future health care cost growth rates. In addition, the longer-term viability of the Medicare update reductions is doubtful.

In other words, Health and Human Service experts don't believe it is even viable to make the kinds of cuts that are proposed long term. Even if Congress has the will to make the cuts, health care costs are going up, not down. Let me repeat this. This bill drives up the cost of health care, not down. Astounding, absolutely astounding.

It doesn't allow you to keep the plan if you like it. How many times was that promise made? By 2014, Medicare Advantage enrollment would drop 64 percent from 13.2 million to 4.7 million because benefits would be cut. Every single advocacy group for senior citizens should be on the phone today calling Senators to say, Don't go there. This hurts seniors. Also, insurance plans will have to be government approved. In our State, I saw an estimate that said 61 percent of our plans are not going to be in compliance and would have to be changed.

When it comes to health care, it is often suggested to get a second opinion. Well, I think here in the Senate we should follow this advice. Before we perform major surgery, very high-risk surgery on the Nation's health care system—16 percent of our economy—we should get a second opinion. That is why I sent a letter to the majority leader last Thursday and I asked for a CMS actuary to analyze the Senate bill before it is voted on so we can determine if the legislation bends the cost

curve, and I am proud to report today that already I have 24 colleagues joining me in signing that letter. All we are doing is asking the majority leader: Please get a second opinion before you perform this high-risk surgery on our health care system.

I will tell one last story from a town-hall meeting that occurred in Grand Island, NE. This will be my last thought. A young man gets up and he says this, and I am quoting:

What will you do to me and my generation, to me and my child? Will you ransom my future for your own?

Our best intentions might end up destroying his American dream and the dream of his child. This is high risk, what we are doing here. Let's get the best opinions we can before we act.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 9 minutes 15 seconds remaining.

Mr. THUNE. Mr. President, I wish to say to my colleague from Nebraska, former Governor and now Senator from that State, that I am one of the signatories on the letter he has sent requesting we get cost data before we move forward with this and what the impact is going to be, because that is the issue.

I have listened to some of the discussion that has occurred on the floor this morning. The Senator from Illinois was down here earlier, Mr. DURBIN, saying that the Republicans are attacking the House bill. Why are they attacking the House bill? Why aren't they talking about the Senate bill? Well, it is very simple. There is no Senate bill. It is being written behind closed doors. We have not been included in any of that. We have not been privy to any of the discussions that are occurring behind closed doors. So when we come down here and talk about health care reform, we are confined to talking about the House-passed bill because there isn't a Senate bill.

There are two Senate versions that have passed Senate committees. The Finance Committee has passed a bill. The Health, Education, Labor and Pensions Committee has passed a bill. But the merger of those bills is occurring behind closed doors in direct contradiction of what was promised earlier about health care reform. President Obama said when we do health care reform, it is going to be an open, transparent process. The American people are going to be able to observe this. In fact, it is going to be done on C-SPAN. Well, nothing could be further from the truth, because it is all happening behind closed doors.

So when we come out here and talk about health care reform, we are left with talking about a House bill because there is no Senate bill. We are told

that this week we are going to see it, and I hope that is the case, because we would love to be able to react to the Senate bill and we would love to know what it is going to cost, and the American people would love to know what it is going to cost. We would also love to have some time to look at it before we start voting on it in the Senate.

My understanding is this is going to be a compressed schedule. They are going to try to get a vote this week on a motion to proceed to this bill, and come back after Thanksgiving and try to rush this through the Senate before the Christmas holiday, a bill that represents one-sixth of the American economy. The House bill was 2,200 pages long and the Republicans were allowed 1 amendment, 1 amendment in the House. I think we are going to have to make sure, in the Senate, this gets done right. That will take some time.

When the No Child Left Behind legislation was debated in the Senate, it took 7 weeks on the floor. We had a comprehensive energy bill a few years ago that took 8 weeks on the floor of the Senate. The farm bill that passed in the last session took 4 weeks on the floor of the Senate. We need to make sure this gets done in the right way for the American people. We don't even have a bill yet. That is why we are down here talking about the bills that were so far out there.

The Senator from Illinois also said the main concern the American people have is cost—costs keep going up. I had a roundtable in my State, in Sioux Falls, last week. The Governor, Governor Rounds, participated, as did several small business owners, including a restaurant owner, a retail pharmacy, a chain drugstore manager, and a small business owner who manufactures wood products.

They were all concerned about the same thing—costs. They said: How are we going to provide good coverage to our employees? What are we going to do if this massive expansion of the Federal Government—\$3 trillion, when it is fully implemented—passes and when all the costs are going to be passed on to business? How are we going to be able to continue to cover our employees? What will that mean for people in terms of coverage?

I agree with the Senator from Illinois, who said cost is the issue. That is what I care about, and that is what the people in South Dakota care about. How do we get the cost for health care and health care coverage down?

The ironic thing we have seen about all these bills so far is none of them does anything to get costs down. All of them increase costs. So the so-called curve we talk about—bending the cost curve down—isn't happening under any of these bills. We have not seen the Senate bill because it is still being written behind closed doors. The House-passed bill—the 2,200-page monstrosity that passed the House of Representatives earlier—and the Senate bills we have seen so far that have been

produced by committees all have the same basic characteristics about them. The first one is, they raise taxes substantially. They raise taxes—in a contradiction of promises made by the President—on people making less than \$200,000 and those making less than \$100,000. In fact, because of the individual mandate in the House-passed bill, people making \$22,800 a year and up to \$68,400 a year will see a huge tax increase that will hit them. Small businesses, because of the pay-or-play mandate, which under the House bill supposedly raises \$135 billion, are going to see their taxes go up. The high-income earners making \$500,000 and above will see their taxes go up because there will be a surtax applied to the high-income earners.

The problem with that is, this doesn't just hit high-income earners, it hits small businesses because of the way they are organized, as subchapter S corporations or LLCs, to file on their individual tax returns. CBO has said one-third of the tax increases targeted at the so-called rich will hit small businesses, which are the job creators in our economy, the engine of economic recovery in America. They say three-quarters to two-thirds of our jobs are created by small businesses. We are going to raise taxes on them. In fact, the highest marginal income tax rate, if this passes, next year, with the expiration of tax cuts that were enacted in 2001 and 2003, will go from 35 percent to 46.4 percent. That is the highest marginal income tax rate we have seen in 25 years. It is going to hit squarely small businesses that we are relying on to try to get us out of this recession and create jobs. This health care reform is all financed with higher taxes, with Medicare cuts.

I talked about the characteristics consistent with regard to all these proposals: You have higher taxes, and you have Medicare cuts to the tune of one-half trillion dollars a year, which, as my colleagues already pointed out this morning, are going to hit not only providers but also seniors. Medicare Advantage Program seniors will see benefits cut. So you have the individuals impacted, the providers impacted, and, of course, you have most Americans impacted in one way or another by the tax increases.

The final point is the most important; that is, the other characteristics these plans have in common, in addition to higher taxes and Medicare cuts, are higher health care costs and higher premiums. The CMS actuary came out last week with a report describing the House-passed bill, and it says it is going to increase the cost of health care in this country by \$289 billion. We spend 17 percent of our GDP on health care today. Under that bill, it would go up to 21.1 percent, if we did nothing. We would be better off in terms of the costs that will be passed on to people in the form of higher health care expenses. It said we are going to see increased costs and that we are going to

see, the chief actuary concluded, 12 million people lose their employer-sponsored coverage because small employers would be inclined to terminate coverage so workers would qualify for heavy subsidies through the exchange.

The biggest number of people who will be covered will be those who are pushed into Medicaid, which, under this proposal, does expand significantly. The problem with that is, it passes on enormous costs to the States. You heard the former Governor of Nebraska and the former Governor of Tennessee talk about that. My Governor, Governor Rounds, in South Dakota, said we are going to be faced with \$134 million in increased costs to the States to pay for this because Medicare is a partnership between the States and the Federal Government. So any benefit we get—about 60 percent of the people who will get coverage because of the bill will get it through Medicaid at an enormous additional cost to the States, which will be passed on to the taxpayers in the individual States.

So you will have higher taxes on small businesses, higher taxes on individuals, and you will have Medicare cuts that will impact seniors and providers. The amazing thing about all this is you are going to have higher health care costs when it is all said and done. It is remarkable that anything could be called health care reform that raises costs the way these proposals would do.

Finally, in response to what the other side has said, which is that Republicans don't have alternatives, that is wrong again. Republicans have proposed step-by-step solutions that would do this right, so it would drive down the costs, such as interstate competition, allowing people to buy insurance across State lines; small business group health plans, which would give businesses the advantage of group purchasing power, tort reform. We have a range of things we hope we have an opportunity to get to. We have to defeat this \$3 trillion monstrosity.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, during the course of the day today—and I feel I can do this since it is my birthday—I had five different subjects I wish to cover. I will make one comment about the talk just given—the eloquent speech just given by the Senator from South Dakota.

I think the thing that surprises most people is, we will have meetings and people will say: Wait a minute, you don't even know what is in the Senate bill being written up behind closed doors. The comments we are making—most of them—refer to the bill passed in the House. The reason for that is, that is the only thing we have to talk about.

I ask unanimous consent that I be recognized until such time as we move on, and I understand that is 11:20.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GUANTANAMO BAY

Mr. INHOFE. First of all, right after the conference luncheon, we are going to have my amendment having to do with Gitmo. This is a very simple one-page amendment that states that none of the funds appropriated, or otherwise made available by this act—on MILCON—or any prior act may be used to construct or modify a facility or facilities in the United States or its territories, to permanently or temporarily hold any individual who is detained as of October 1 of 2009 at Gitmo.

You might wonder, we have been talking about this, and I have actually had pass two amendments that do almost the same thing. We passed an amendment to the 2007 resolution 94 to 3—a bipartisan amendment to the war supplemental offered by me and Senator INOUE from Hawaii. It passed 90 to 6 in the current Senate Defense appropriations bill. It is in conference. My concern is, in conference, it may be removed. Keep in mind, we sent this language to conference once before, and it came back and merely said that if the President announces a plan of what to do with those individuals who are incarcerated at Gitmo, we would have 45 days to discuss that. It doesn't say we have to agree with the plan he gives.

Consequently, there are no teeth in that. This may be our only chance. This is an issue that has always passed by over 90 votes. So I will have that amendment. I hope people will understand the whole country was upset when they found out on Friday the 13th—and that was kind of an interesting day for this—when Khalid Shaikh Mohammed, as announced by the President, was going to be tried in New York City, and they were going to move five terrorists into the New York City area. I will not debate this thing. It has been worn out in the press.

People realize that if we are going to bring these terrorists to the United States, they will become targets for terrorist activities. Besides that, you cannot try someone under our court system who should be tried under a tribunal. The rules of evidence are different, and we have a perfect place for that down in Gitmo. Again, I will be offering that amendment.

#### PRESIDENTIAL TRIP TO CHINA

Mr. INHOFE. Mr. President, I wish to talk about the President's trip to China. It appears evident—which we have known all along—that we are not going to be passing anything in this country on cap and trade. We have the bill that is up right now by Senators KERRY and BOXER, who have talked about this now for 8 years. Every time they talk about it, there is more and more opposition to it. Right now, the interesting thing is that the most re-

cent polling shows that only 4 percent of the American people think this is a problem. Four percent are wrong and the 96 percent are right.

Nonetheless, in China, keep in mind, their output of CO<sub>2</sub> emissions could amount to twice the combined emissions of the world's richest nations, including the United States, the European Union, and Japan. Consequently, the problem there is China, India, Mexico, and the developing countries. We all know nothing will pass this body that doesn't treat the developing countries as developed nations.

I will not dwell on this. At a later time, I will. I plan to make a very long—well over an hour—talk. I am trying to get some time now to do that. This will be the fifth time I have done this in the last 6 years concerning this particular subject, which is the alleged global warming attached to the CO<sub>2</sub> emissions.

I will say this: As far as what is going on right now in China, the Chinese are not going to line up and agree, in Copenhagen or anyplace, to start reducing their own emissions. Frankly, they are the ones who are the big beneficiaries. This is kind of interesting, because even if we did it and the developed nations did it, it still wouldn't have any material reduction in CO<sub>2</sub>. Even if you believed CO<sub>2</sub> or anthropogenic gases caused global warming or climate change, it is still not going to work, as Tom Quigley said it would back when Senator Gore—Vice President Gore at that time—tried to do a study to determine what wonderful things would happen if we joined the Kyoto treaty. The question was, to his own scientists: If all nations, all developed nations, including the United States, the European Union, and all of them, were to sign the Kyoto treaty and live by its emission requirements, how much would it reduce the temperature? Tom Quigley, a renowned scientist, came out with this report and said it would reduce it by less than seven one-hundredths of 1 degree Celsius by 2050. So all of the pain, all of the taxes, the largest tax increase in the history of America, and it does not reduce anything. Consequently, I don't think it is necessary to belabor that. China is not going to do it, no matter what the President does on his trip to China.

#### HAMILTON NOMINATION

Mr. INHOFE. As I am rounding third and heading home, I am concerned that we are going to be voting this afternoon on the nomination of David Hamilton to be a judge on the Seventh Circuit Court of Appeals. I think Hamilton is, without question, a liberal activist judge. He believes judges do not simply interpret the Constitution of the United States but that judges have the power to actually change the Constitution when deciding cases, stating that—this is his quote, Mr. President—“part of our job here as judges is to

write a series of footnotes to the Constitution.” This is exactly what our Founding Fathers did not want us to do. Judges are supposed to interpret what we do in this Chamber.

When he was nominated to the district court in 1994, the American Bar Association rated him as not qualified. I voted against him for a number of reasons back in 1994. I don’t very often agree with Vice President BIDEN, but I have to say this. Vice President BIDEN made a statement some time ago with which I do agree. That is, if you are in the Senate and you have a judge who is coming up for confirmation by the Senate, and if you oppose that judge when he comes up to be a Federal judge, then later on when he wants to become a circuit judge or even a Justice of the U.S. Supreme Court, if you opposed him at a lower position, you have to oppose him at the next position because the bar necessarily goes up. For that reason and many other reasons, I will be opposing him.

I think it is important that in 2003, in *A Woman’s Choice v. Newman*, Hamilton issued an injunction against an Indiana law that required abortion clinics to give women information about alternatives to abortions in the presence of a physician, nurse, or somebody else—just to have that information. This is inconceivable to me this could happen.

Let’s keep in mind also this is the same judge who had a ruling—perhaps the most infamous because of his 2005 decision while presiding over the case of *Hinrichs v. Bosma* in which he enjoined the Speaker of Indiana’s House of Representatives from permitting sectarian prayers to be offered as a part of that body’s official proceedings, meaning that the chaplain or whoever opened the proceedings with a prayer could not invoke the name of Jesus Christ in his prayer.

In his conclusion, Hamilton wrote:

If the Speaker chooses to continue any form of legislative prayer, he should advise persons offering such a prayer (a) that it must be nonsectarian and must not be used to proselytize or advance any one faith over another. This is the first time and only time I believe this has happened in a nomination. This will be coming up for confirmation. I hope all of America will be aware of the fact this is happening.

#### UGANDA

Mr. INHOFE. Mr. President, I understand my colleagues are getting very close. I want a couple more minutes and that is to mention something that is happening today in the Foreign Relations Committee. Senator FEINGOLD has an amendment with which I wholeheartedly agree. It is actually not an amendment. It is a bill having to do with the LRA. Let me explain quickly what that is.

The LRA, the Lord’s Resistance Army, has for about 25 years, led by a guy named Joseph Kony in the northern part of Uganda, been mutilating kids. We have heard of the Child’s

Army. They go into the villages and kidnap these kids, take them out, teach them how to be warriors, and once they join up, they send them back to the village to murder their own parents, their own family.

This has been going on for a long period of time. This bill is something about which I am very excited. Finally, we have the attention of the people in the United States, and that is to join in and go after this animal named Joseph Kony.

In the last 18 years, the LRA has captured over 20,000 kids. I have been to northern Uganda. I have been up Guru. I have watched these kids after they have been dismembered, after they cut their lips off, cut their ears off, and all of this.

When this bill first came out, I was opposed to it because Senator FEINGOLD had to pay for this bill with a reduction in some of the funds that would otherwise go to the U.S. Air Force. That has been taken out. So I join him now in saying this is something that has to take place. This is the first time we have actually had the opportunity to bring up this issue, to let it surface.

I personally talked with President Museveni in Uganda, President Kagame of Rwanda, and President of the eastern part of Congo. I have been to Goma where Joseph Kony has kidnaped these kids, murdered these kids, mutilated these kids. I can tell from personal experience this is something we need to get involved in, and we are doing it by virtue of this bill.

I have gone 1 minute past. I apologize to the managers of the bill. I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3082, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### Pending:

Johnson/Hutchison amendment No. 2730, in the nature of a substitute.

Johnson amendment No. 2733 (to amendment No. 2730), to increase by \$50,000,000 the amount available for the Department of Veterans Affairs for minor construction projects for the purpose of converting unused Department of Veterans Affairs structures into housing with supportive services for homeless veterans, and to provide an offset.

Inouye amendment No. 2754 (to amendment No. 2730), to permit \$68,500,000, as requested

by the Missile Defense Agency of the Department of Defense, to be used for the construction of a test facility to support the Phased Adaptive Approach for missile defense in Europe, with an offset.

DeMint (for Inhofe) amendment No. 2774 (to amendment No. 2730), to prohibit the use of funds appropriated or otherwise made available by this Act to construct or modify a facility in the United States or its territories to permanently or temporarily hold any individual held at Guantanamo Bay, Cuba.

Feingold/Sanders amendment No. 2748 (to amendment 2730), to make available \$5,000,000 for grants to community-based organizations and State and local government entities to conduct outreach to veterans in underserved areas.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I am pleased to report that we are getting into the home stretch for the MILCON-VA appropriations bill. We have been on this bill 6 days now—I believe a record for the MILCON/VA bill. I thank my ranking member, Senator HUTCHISON, for her help in clearing amendments last evening which has put us within striking distance of completing this bill today.

The first amendment we are scheduled to vote on today is an amendment I have offered that will provide \$50 million for the VA to renovate and use empty buildings sitting on VA medical campuses to provide housing with supportive services for our homeless vets.

The VA Secretary and the President have made eliminating homelessness among vets a top priority. The amendment is fully offset by redirecting \$50 million over the President’s budget request provided in this bill for DOD’s Homeowners Assistance Program which the Pentagon has determined is not currently required.

This amendment is supported by 16 vets and homeless service organizations, including the VFW, the Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.

I ask unanimous consent to have letters in support of my amendment printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 13, 2009.

Senator TIM JOHNSON,  
*Chairman, Senate Appropriations Subcommittee on Military Construction, Veterans Affairs and Related Agencies, Washington, DC.*

SENATOR JOHNSON: As organizations working to end homelessness among veterans in America, we are writing to express our strong support and gratitude for your Amendment (SA 2733) to the Fiscal Year 2010 Military Construction, Veterans Affairs and Related Agencies Appropriations Act. The amendment would shift \$50 million to renovate and convert Department of Veterans

Affairs' buildings into housing with supportive services for homeless veterans. We believe this proposed allocation is greatly needed, will be well spent, and ultimately will help save the lives of many brave veterans who have fallen upon hard times.

Far too many veterans are homeless in America: approximately 131,000 on any given night, which represents between one-fourth and one-fifth of all homeless people. Convergent sources estimate that between 23 and 40 percent of homeless adults are veterans. The U.S. Department of Veterans Affairs estimates that over the course of the year, 336,627 veterans experience homelessness.

Community organizations around the country are eager to assist homeless veterans achieve stability, but a shortage of capital, operating and supportive services funding restricts the amount of good work they can do. The allocation provided in your amendment will help provide critical capital funding for housing homeless veterans on VA campuses. We also commend the Committee's proposed funding for the HUD-VASH program, the Grant and Per Diem program and for homeless prevention. Combined, these investments will allow the Department to increase its efforts to ensure every veteran has a safe place to sleep and call home.

We are heartened by the Administration's stated commitment to zero tolerance for veterans' homelessness and strong Congressional support for programs that will help accomplish this goal. While the funding allocated by your amendment is an important contribution to fight against homelessness, we encourage your leadership in doing even more to provide safe and affordable housing for all the men and women who wore the uniform.

Sincerely,

Corporation for Supportive Housing.  
AMVETS.  
Common Ground.  
Disabled American Veterans.  
Iraq and Afghanistan Veterans of America.  
Jewish War Veterans of the USA.  
National Alliance to End Homelessness.  
National Association of Black Veterans.  
National Coalition for Homeless Veterans.  
National Health Care for the Homeless  
Council.  
National Law Center on Homelessness and  
Poverty.  
National Leased Housing Association.  
National Policy and Advocacy Council on  
Homelessness.  
Paralyzed Veterans of America.  
Vietnam Veterans of America.

VETERANS OF FOREIGN WARS  
OF THE UNITED STATES,

Washington, DC, November 13, 2009.

Hon. TIM JOHNSON,  
U.S. Senate,  
Washington, DC.

DEAR CONGRESSMAN JOHNSON: On behalf of the 2.2 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, I would like to offer our support for SA 2733, the Military Construction, Veterans Affairs and Related Appropriations Act.

Your important amendment would provide \$50,000,000 to VA for the construction of housing with supportive services for homeless veterans. This construction would take unused VA buildings and convert them into housing for our homeless veterans.

Your important amendment provides housing and supportive services, two crucial things that our homeless veterans desperately need. A man or woman who has selflessly served in the armed forces should never have to sleep on the streets of the country they fought for. Your legislation looks to address this tragedy in our country and we applaud your efforts.

We thank you for introducing this valuable legislation that would greatly assist our nation's heroes. We look forward to working with you to help pass this legislation into law.

Sincerely,

ERIC A. HILLEMANN,  
Director, National Legislative Service.

Mr. JOHNSON. Mr. President, according to the VA, there are 131,000 homeless vets on any given night. This is shameful. This amendment will allow the VA to put to good use buildings on VHA campuses currently sitting empty. It would allow private and nonprivate groups to operate homeless vet shelters in close proximity to the medical and mental health services these vets need in order to rebuild their lives.

I urge my colleagues to support this amendment.

Mr. President, I yield to Senator HUTCHISON for any remarks she has.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator JOHNSON.

We have worked very well to accommodate the requests of our colleagues to the extent we could. We will have the first vote on his amendment. I am going to support Senator JOHNSON's amendment on homeless veterans. Secretary Gates and Secretary Shinseki are at this very moment practically working on a way to better accommodate veterans who are homeless. It is not right for there ever to be a homeless veteran in our country because every one of them has done so much to protect our freedom.

We do have \$500 million in the bill. This would take \$50 million that the Department says they do not need for other housing assistance for veterans and put it into the homeless sector so there can be a concerted effort to build facilities that would give care, as well as shelter, to these veterans. I support that.

I hope in conference we will be able to consolidate all of this into a program that will meet the needs of our veterans.

It has been great working on this bill. I am very pleased we could do it today rather than last week when so many of us in the Senate were at Fort Hood trying to show the great respect and sympathy for the community at Fort Hood and for all of our armed services, which meant we had to delay the bill from last Tuesday to this Tuesday. I think that was the right thing to do. I thank my colleague.

I thank our great staffs who worked all this week to clear amendments. To the extent we could, I think we have certainly accommodated our other colleagues in the Senate for their priorities.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the vote sequence prior to the caucus recess period, with respect to amendments re-

maining in order to H.R. 3082, be as follows: Johnson amendment No. 2733; Feingold amendment No. 2748; Cochran amendment No. 2763; that the Inouye amendment No. 2754 be modified with changes at the desk, and once modified, the McCain amendment No. 2776 be withdrawn, the Inouye amendment, as modified, be agreed to, and the motion to reconsider be laid upon the table; further, that an Inouye-Levin colloquy be inserted in the RECORD upon the adoption of the amendment; that after the first vote in any sequence of votes today, the remaining votes be 10 minutes in duration; and that prior to the vote on passage of H.R. 3082, each manager control 2 minutes; provided further, that the other provisions of the November 16 order remain in effect.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I wish to ask the Senator if we could voice vote Senator COCHRAN before we take up the record vote we will take on Senator JOHNSON's amendment.

Mr. JOHNSON. That would be very good.

Mrs. HUTCHISON. I have no objection.

The PRESIDING OFFICER. With that qualification, without objection, it is so ordered.

The amendment (No. 2754), as modified, is as follows:

AMENDMENT NO. 2754, AS MODIFIED

On page 27, between lines 3 and 4, insert the following:

SEC. 128. (a)(1) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE" is hereby increased by \$68,500,000, with the amount of such increase to remain available until September 30, 2014.

(2) Of the amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE", as increased by paragraph (1), \$68,500,000 shall be available for the construction of an Aegis Ashore Test Facility at the Pacific Missile Range Facility, Hawaii.

(b) Of the amount appropriated or otherwise made available by title I of the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110-329; 122 Stat. 3692) under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE" and available for the purpose of European Ballistic Missile Defense program construction, \$69,500,000 is hereby rescinded.

The amendment (No. 2754), as modified, was agreed to.

EUROPEAN MISSILE DEFENSE

Mr. INOUE. Mr. President, I rise to engage in a colloquy with Senator LEVIN, chairman of the Armed Services Committee to discuss amendment No. 2754, which has been cosponsored by Senators JOHNSON and COCHRAN, to re-allocate unobligated fiscal year 2009 military construction funding to support President Obama's new European missile defense plan.

Mr. LEVIN. I would be pleased to enter into a colloquy with the distinguished chairman of the Appropriations Committee.

Mr. INOUE. I thank the chairman. Funding was appropriated in last year's MILCON/VA appropriations bill for the European missile defense sites but now can no longer be spent. This amendment will enable the Missile Defense Agency to meet the President's timelines for defending Europe and the United States sooner against Iranian missiles. In order to meet the timelines set out by the President to deploy a capability in Europe in the 2015 time-frame, General O'Reilly, Director of the Missile Defense Agency, MDA, has requested the Congress support the use of \$68.5 million to construct an AEGIS Ashore Test Facility at the Pacific Missile Range Facility in Hawaii. The funding would come from the now unneeded funds for the two sites in Europe.

Mr. LEVIN. I want the chairman to know that I am also fully supportive of the administration's new approach to defending Europe from the threat of shorter range Iranian missiles based on the standard missile-3 both on ships and ashore, as well as the use of fiscal year 2009 funding that is no longer required for this purpose.

Mr. INOUE. This amendment responds to that request from MDA, but was originally offered with some reservation because it would circumvent the normal order of business in the Senate. Under ordinary circumstances this project should have been authorized in the fiscal year 2010 National Defense Authorization Act and then appropriated in the Military Construction bill. But, President Obama only publicly announced his European missile defense strategy on September 17 of this year. This announcement came well after the House and Senate Armed Services Committees began the conference negotiation process. In order to implement the President's new plan, General O'Reilly made the request to Congress for an AEGIS Ashore Test Facility on October 7, the same day that the House and Senate completed the conference agreement on the Defense authorization bill. The conferees were not able to consider this late request from the administration. Thus, an amendment on the fiscal year 2010 Military Construction appropriations bill was the best path to get the facility started in order to meet the administration's timelines.

Mr. LEVIN. While I agree that the funding previously authorized and appropriated for the European sites in fiscal year 2009 should be the source of funding for this project, I also feel that the project should be vetted in a manner similar to any other MILCON request. I believe we also have the time to authorize the project. As I understand the current timeline the Missile Defense Agency has sufficient planning and design funding to initiate design of the project and also has sufficient funding to begin the required environmental work. It is also my understanding that construction won't actually begin until late summer of 2010. I

would expect that the preliminary nature of the current funding request would mature in time to support a timely authorization.

Mr. INOUE. I understand that the chairman intends to introduce a separate authorization bill for this project that will precede the normal fiscal year 2011 national Defense authorization bill process.

Mr. LEVIN. That is correct. I will introduce a separate bill today along with Senator MCCAIN. The committee will expedite consideration of this bill provided that we can get the normal assurances that the project is supported by the Secretary of Defense and that the proposed construction costs and timelines are accurate and up to the standards we would normally expect in a similar MILCON project request.

AMENDMENT NO. 2763 TO AMENDMENT NO. 2730

Mr. JOHNSON. Mr. President, I understand there is no objection to the Cochran amendment No. 2763. Therefore, on behalf of Senator COCHRAN, I call up his amendment and ask that the amendment be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for Mr. COCHRAN, proposes an amendment numbered 2763 to amendment No. 2730.

The amendment is as follows:

AMENDMENT NO. 2763

(Purpose: To provide for the modification of a restriction of alienation of certain real property in Gulfport, Mississippi)

At the end of title II, add the following:

SEC. 229. (a) MODIFICATION ON RESTRICTION OF ALIENATION OF CERTAIN REAL PROPERTY IN GULFPORT, MISSISSIPPI.—Section 2703(b) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 469), as amended by section 231 of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009 (division E of Public Law 110-329; 122 Stat. 3713), is further amended by inserting after “the City of Gulfport” the following: “, or its urban renewal agency.”.

(b) MEMORIALIZATION OF MODIFICATION.—The Secretary of Veterans Affairs shall take appropriate actions to modify the quitclaim deeds executed to effectuate the conveyance authorized by section 2703 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 in order to accurately reflect and memorialize the amendment made by subsection (a).

The PRESIDING OFFICER. Without objection, the amendment is agreed to and the motion to reconsider is laid upon the table.

The amendment (No. 2763) was agreed to.

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2733

Mr. JOHNSON. Mr. President, I ask for the yeas and nays on the Johnson amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

If all time is yielded back, the question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 346 Leg.]

YEAS—98

Akaka	Feingold	Menendez
Alexander	Feinstein	Merkley
Barrasso	Franken	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Graham	Murray
Begich	Grassley	Nelson (NE)
Bennet	Gregg	Nelson (FL)
Bennett	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Risch
Brown	Inhofe	Roberts
Brownback	Inouye	Rockefeller
Bunning	Isakson	Sanders
Burr	Johanns	Schumer
Burriss	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kerry	Shelby
Carper	Kirk	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Cochran	Kyl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Cornyn	LeMieux	Vitter
Crapo	Levin	Voivovich
DeMint	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	McCain	Wicker
Ensign	McCaskill	Wyden
Enzi	McConnell	

NAYS—1

Coburn

NOT VOTING—1

Byrd

The amendment (No. 2733) was agreed to.

Mr. JOHNSON. Mr. President, I move to reconsider the vote.

Mr. CARDIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2748, AS MODIFIED

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent that my amendment be modified with the modifications I send to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 52, after line 21, add the following:  
 SEC. 229. Of the amounts appropriated or otherwise made available by this title, the Secretary shall award \$5,000,000 in competitively-awarded grants to State and local government entities or their designees with a demonstrated record of serving veterans to conduct outreach to ensure that veterans in under-served areas receive the care and benefits for which they are eligible.

Mr. FEINGOLD. Mr. President, I understand the amendment will now be accepted.

Mr. JOHNSON. It is accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2748), as modified, was agreed to.

Mr. JOHNSON. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2763

Mrs. HUTCHISON. Mr. President, to comply with rule XLIV, I ask unanimous consent to have printed in the RECORD a letter from Senator COCHRAN in relation to his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, November 5, 2009.

Hon. DANIEL INOUE,  
 Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR DAN: In my letter to Senators Johnson and Hutchison dated May 21, 2009, regarding the Fiscal Year 2010 Military Construction, Veterans Administration, and Related Agencies Appropriations Bill, it was my intent that the item titled "Aircraft Maintenance Administration Facility" read as follows:

Name: Aircraft Fuel Systems Maintenance Facility

Location: Columbus Air Force Base, MS

Purpose: To provide adequate facilities for aircraft fuel systems maintenance, conforming with applicable safety and environmental standards. (\$10,000,000)

I certify that neither I nor my immediate family has pecuniary interest in the congressionally directed spending item that I have requested, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate. I also certify that I have posted this request on my website.

Please feel free to call on me if you have any questions about this request. Adam Telle, a member of my staff, is also available as the committee staff considers this issue.

Thank you for your consideration.

Sincerely,

THAD COCHRAN,  
 U.S. Senator.

Mrs. HUTCHISON. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I note that the second vote has been voiced, and so Members are free to leave.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we are working on the managers' package, and probably in the next 15 minutes we will clear what has been cleared for the managers' package. There are a couple of people working with objections. But by 12:15, we will clear the managers' package so that following that, in accordance with the previous unanimous consent agreement, at 2:15 we will vote on the Inhofe amendment, after which we will then vote on final passage. So we will have two votes starting at 2:15, and the second vote will be the final vote on Veterans Affairs-Military Construction.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Maryland.

Ms. MIKULSKI. Madam President, I ask unanimous consent to speak as in morning business for the purposes of introducing a very poignant bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 2781 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MIKULSKI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2775, AS MODIFIED; 2777; AND 2783, AS MODIFIED

Mr. JOHNSON. Madam President, we have agreed to a final group of amendments in a managers' package.

I ask unanimous consent that the following amendments be called up en bloc and that the amendments be considered and agreed to and, if modified, that the amendment as modified be agreed to and the motions to reconsider be laid upon the table en bloc:

Amendment No. 2775, to be modified; amendment No. 2777; and amendment No. 2783, to be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I have no objections to those amendments. I want to clarify that for amendment No. 2775, the modifications are at the desk. The same goes for amendment No. 2783; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Again, I have no objection.

The amendments (No. 2775, as modified; No. 2777; and No. 2783, as modified) were agreed to, as follows:

AMENDMENT NO. 2775, AS MODIFIED

(Purpose: To require a study on the capacity of the Department of Veterans Affairs to address combat stress in women veterans)

At the end of title II, add the following:

SEC. 229. (a) STUDY ON CAPACITY OF DEPARTMENT OF VETERANS AFFAIRS TO ADDRESS COMBAT STRESS IN WOMEN VETERANS.—The Inspector General of the Department of Veterans Affairs shall carry out a study to assess the capacity of the Department of Veterans Affairs to address combat stress in women veterans.

(b) ELEMENTS.—In carrying out the study required by subsection (a), the Inspector General shall consider the following:

(1) Whether women veterans are properly evaluated by the Department for post-traumatic stress disorder (PTSD), military-related sexual trauma, traumatic brain injury (TBI), and other combat-related conditions.

(2) Whether women veterans with combat stress are being properly adjudicated as service-connected disabled by the Department for purposes of veterans disability benefits for combat stress.

(3) Whether the Veterans Benefits Administration has developed and disseminated to personnel who adjudicate disability claims reference materials that thoroughly and effectively address the management of claims of women veterans involving military-related sexual trauma.

(4) The feasibility and advisability of requiring training and testing on military-related sexual trauma matters as part of a certification of Veterans Benefits Administration personnel who adjudicate disability claims involving post-traumatic stress disorder.

(5) Such other matters as the Inspector General considers appropriate.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report setting forth the plan of the Inspector General for the study required by subsection (a), together with such interim findings as the Inspector General has made as of the date of the report as a result of the study.

(2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General shall submit to the Secretary, and Congress, then the Secretary shall make recommendations for legislative or administrative action.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committees on Appropriations and Veterans' Affairs of the Senate; and

(B) the Committees on Appropriations and Veterans' Affairs of the House of Representatives.

AMENDMENT NO. 2777

(Purpose: To require a study to identify the improvements to the information technology infrastructure of the Department of Veterans Affairs that are required to furnish health care services to veterans using telehealth platforms)

On page 52, after line 21, add the following:  
 SEC. 229. (a) STUDY ON IMPROVEMENTS TO INFORMATION TECHNOLOGY INFRASTRUCTURE NEEDED TO FURNISH HEALTH CARE SERVICES TO VETERANS USING TELEHEALTH PLATFORMS.—The Secretary of Veterans Affairs shall carry out a study to identify the improvements to the infrastructure of the Department of Veterans Affairs that are required to furnish health care services to veterans using telehealth platforms.

(b) AVAILABILITY OF FUNDS.—The amounts appropriated or otherwise made available by

this title under the headings "DEPARTMENTAL ADMINISTRATION" and "INFORMATION TECHNOLOGY SYSTEMS" shall be available to the Secretary of Veterans Affairs to carry out the study required by subsection (a).

AMENDMENT NO. 2783, AS MODIFIED

(Purpose: To make available from Medical Services, \$1,000,000 for education debt reduction for mental health care professionals who agree to employment at the Department of Veterans Affairs)

On page 52, after line 21, add the following: SEC. 229. Of the amounts appropriated or otherwise made available by this title under the headings "VETERANS HEALTH ADMINISTRATION" and "MEDICAL SERVICES", \$1,000,000 may be available for education debt reduction under subchapter VII of chapter 76 of title 38, United States Code, for mental health care professionals who agree to employment at the Department of Veterans Affairs.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. CARPER).

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 2774

The PRESIDING OFFICER. Under the previous order, there will now be 5 minutes of debate, equally divided, on amendment No. 2774, offered by the Senator from Oklahoma, Mr. INHOFE.

Who seeks recognition? The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 1 minute.

The Inhofe amendment would actually make us less secure by restricting our ability to improve security at facilities that house detainees who have been transferred from Guantanamo to the United States for their trials. Our communities will be less safe because money cannot be spent to make more secure the places where these detainees are being kept. It seems to me this is kind of a "cutting off your nose to spite your face" approach. Regardless of how people voted on whether we should have trials in the United States, the decision has been made that there are going to be trials in the United States. There already have been trials in the United States. There are detainees who are awaiting trial in the United States. It would seem to me it is in everybody's interest that the places where these detainees are being kept should be as secure as possible. It makes no sense, regardless of what one's position is on the question of where the trial should be held, not to have them kept in the most secure possible facilities.

I hope the Inhofe amendment is defeated. It is counterproductive, no matter what position one takes on the location of trials.

Mr. LEAHY. Mr. President, the amendment sponsored by Senator INHOFE is one of a series of amendments that have recently been offered in the Senate that would put political interests ahead of our national interests. This amendment would prohibit any funds from being used to construct or modify any facility in the United States to hold any individual who is currently being held at the Guantanamo Bay detention facility.

This goal of this amendment is to ensure that the detainees being held at Guantanamo Bay, some for years without charge, cannot be tried in our Federal courts and that the detention facility at Guantanamo Bay cannot close. This is harmful to our national security and devastating to our reputation throughout the world. As a former prosecutor, I find it deeply troubling that the Senate would be asked to prohibit the administration from trying even dangerous terrorists in our Federal courts. As a Senator, I find it shameful that Congress is being asked to help keep open a facility that has been a stain on our reputation throughout the world and has given ammunition to our enemies. GEN Colin Powell was correct when he said, "Guantanamo has become a major problem for America's perception as it's seen; the way the world perceives America."

President Obama addressed that problem in the first days of his Presidency by announcing that he would close Guantanamo Bay, and he has affirmed that commitment by announcing that the administration will have a preference for trying detainees in our proven Federal courts. Just last week, the Attorney General announced that, in consultation with the Secretary of Defense, the U.S. Government will begin to move toward federal criminal trials against five of these detainees, including Khalid Sheikh Mohammed. I have supported President Obama and the Attorney General in these steps, and I will continue to do so. That is why I have voted against amendments that would withhold funding to close the Guantanamo detention facility and prohibit any Guantanamo detainees from being brought to the United States. These amendments undermine the good work the President is doing, and they make us less safe, not safer.

Two weeks ago, the Senate defeated another amendment that would have restricted the authority and the options of our military and law enforcement. Secretary Gates and Attorney General Holder sent us a joint letter opposing that amendment. They reminded us that we should not prohibit the Government from being able to "use every lawful instrument of national power . . . to ensure that terrorists are brought to justice and can no longer threaten American lives." That is exactly what this amendment would do by tying the administration's hands in the event that they need to upgrade

any facility in order to securely house these detainees. I will ask that a copy of the administration's letter be printed in the RECORD.

Again, this week, joined by Secretary Napolitano, Attorney General Holder and Secretary Gates wrote to the Senate in opposition, this time to the Inhofe amendment we consider today. I will ask that the administration's letter be printed in the RECORD.

Instead of closing Guantanamo and moving toward a lawful and effective national security policy, this amendment would say to the world that we refuse to face what we did at Guantanamo and instead would continue the legacy of a place that was created in an effort to lock people up for years without charge and not face the consequences. This amendment would say to the world that we are not strong enough, that our over 200-year-old superior legal tradition is not flexible enough, to allow us to deal with those who attack us. Refusing to close Guantanamo also means we lose our ability to respond with moral authority if other countries should mistreat American soldiers or civilians.

Much debate has focused on keeping Guantanamo detainees out of the United States. In this debate, political rhetoric has entirely drowned out reason and reality. Our criminal justice system handles extremely dangerous criminals, and more than a few terrorists, and it does so safely and effectively. We try very dangerous people in our courts and hold very dangerous people in our jails throughout the country. I know; I put some of them there. We do it every day in ways that keep the American people safe and secure, and I have absolute confidence that we can do it for even the most dangerous terrorism suspects.

The facts speak for themselves. The Judiciary Committee has held several hearings on the issue of how to best handle detainees, and experts and judges from across the political spectrum have agreed that our courts and our criminal justice system can handle this challenge and indeed has handled it many times already. Since January of this year alone over 30 terrorism cases have been either successfully tried or sentenced using our Federal courts. No one has ever escaped from a Supermax facility. In fact terrorists are routinely and securely held at our prisons, including Zacharias Moussaoui, one of the plotters behind the September 11 attacks and Ramzi Yousef, the World Trade Center bomber.

Why would the Senate pass an amendment that suggests that our country and the brave men and women who staff these prisons cannot handle these prisoners, or that they are not up to the task? And why would we pass an amendment that simultaneously makes it harder for the government to securely detain terrorism suspects in our prisons by making any necessary adjustments to hold them? This amendment would ironically

make us less safe by making our prisons less secure. This is playing games with national security.

It is not only President Obama who believes that closing Guantanamo will make us a more secure and honorable nation. I agree with the conviction expressed by Senator GRAHAM and Senator MCCAIN who said, “[w]e support President Obama’s decision to close the prison at Guantanamo, reaffirm America’s adherence to the Geneva Conventions, and begin a process that will, we hope, lead to the resolution of all cases of Guantanamo detainees.”

It is time to act on our principles and our constitutional system. It is time to close Guantanamo and try and convict those who seek to do us harm. Where the administration decides to try them in Federal courts, our courts and our prisons are more than up to the task.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the administration’s letter to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 30, 2009.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We write to oppose the amendment proposed by Senator Graham (on behalf of himself and Senators McCain and Lieberman) to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010. This amendment would prohibit the use of Department of Justice funds “to commence or continue the prosecution in an Article III court of the United States of an individual suspected of planning, authorizing, organizing, committing, or aiding the attacks on the United States and its citizens that occurred on September 11, 2001.”

As you know, both the Department of Justice (in Article III courts) and the Department of Defense (in military commissions, reformed under the 2010 National Defense Authorization Act) have responsibility for prosecuting alleged terrorists. Pursuant to a joint prosecution protocol, our departments are currently engaged in a careful case-by-case evaluation of the cases of Guantanamo detainees who have been referred for possible prosecution, to determine whether they should be prosecuted in an Article III court or by military commission. We are confident that the forum selection decisions that are made pursuant to this process will best serve our national security interests.

We believe that it would be unwise, and would set a dangerous precedent, for Congress to restrict the discretion of either department to fund particular prosecutions. The exercise of prosecutorial discretion has always been and should remain an Executive Branch function. We must be in a position to use every lawful instrument of national power—including both courts and military commissions—to ensure that terrorists are brought to justice and can no longer threaten American lives.

For these reasons, we respectfully request that you oppose this amendment.

ROBERT M. GATES,  
Secretary of Defense.  
ERIC H. HOLDER, JR.,  
Attorney General.

NOVEMBER 17, 2009.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We write to oppose Senator Inhofe’s amendment (No. 2774) to H.R. 3082, the Military Construction, Department of Veterans Affairs, and Related Agencies Appropriations Act for Fiscal Year 2010. This amendment would prohibit the use of funds appropriated or otherwise made available in H.R. 3082 to “construct or modify a facility or facilities in the United States or its territories to permanently or temporarily hold any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba.”

Like the President and numerous others, both Republicans and Democrats, we are convinced that closing the Guantanamo Bay detention center is in the national security interests of the United States. Al Qaeda has repeatedly used the existence of the facility as a recruitment tool. We are convinced that as long as the Guantanamo Bay detention center remains open, our enemies will continue to exploit its existence for this purpose.

We acknowledge that closing Guantanamo has proven difficult, but that is not a reason for the Congress to preclude this important national security objective. At present, we are making progress toward this goal. An interagency team is assessing the suitability of a maximum security prison in Thomson, Illinois, to serve as a detention center for certain Guantanamo Bay detainees who may be transferred to the United States. On Friday, the Department of Justice announced that it will prosecute the alleged 9/11 conspirators in federal court, while the Department of Defense will resume other cases against those allegedly responsible for the USS Cole bombing and other acts of terrorism in military commissions, which have been reformed as a result of the bipartisan passage of the Military Commissions Act of 2009.

We need to get on with the work of enhancing our national security by finally closing the Guantanamo Bay detention center. The Inhofe amendment would have the opposite effect and would likely prevent further progress on this important issue. We ask that you join us in opposing the Inhofe amendment.

ERIC H. HOLDER, JR.  
ROBERT M. GATES.  
JANET NAPOLITANO.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, inquiry. Is this the final argument before the vote on the Inhofe amendment?

The PRESIDING OFFICER. Yes; the Senator has 2½ minutes remaining.

Mr. INHOFE. Mr. President, this amendment has been here three times before. In fact, this amendment has been supported with over 90 votes each time it came through. Unfortunately, once one of the bills went into conference, it was taken out. They replaced it with a 45-day provision.

What this does—it is a one-sentence amendment, very easy to understand. It says:

None of the funds appropriated or otherwise made available by this Act may be used to construct or modify a facility or facilities in the United States [to house terrorists].

If you want terrorists here, then vote against this amendment. This may be

the last shot you have at it. We have the Inouye-Inhofe amendment already passed in the Defense authorization bill, but it is in conference. We do not know whether it will come out. This is the second shot we have to try to keep terrorists from coming into the United States.

I retain the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to speak quickly in opposition to this amendment.

It has been my strong belief—

Mrs. HUTCHISON. Is the Senator from Virginia speaking on the 2½ minutes of the majority?

Mr. WEBB. That is correct. It has been my strong belief that individuals who were charged with international terrorism should be classified as enemy combatants, and I stated many times I do not believe they belong in our country. They don’t belong in our courts. They don’t belong in our prisons. At the same time, I recognize that the President retains the constitutional authority to bring charges against these individuals in article III courts. The Graham amendment did resolve that issue in terms of their transfer to U.S. soil.

This amendment, unfortunately, would not address that issue. It prohibits appropriation of funds to modify facilities in the United States in order to hold such individuals. I believe that would prevent law enforcement officials from taking the steps that are necessary to improve security in our local communities and that it would put our security at risk. It is for this reason I oppose the amendment and I yield the floor.

The PRESIDING OFFICER. The minority has 9 minutes 30 seconds remaining, the majority has about 25 seconds remaining.

Mr. INHOFE. Let me repeat. We have voted on this amendment before. We voted three different times. This was actually structured as the Inouye-Inhofe amendment once and the Inhofe-Inouye amendment once. It has passed overwhelmingly. This is the only way we can see that we can assure we are not going to have those individuals who are now at Gitmo in the United States. I think we have discussed this several times. I strongly support this amendment.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There remains 56 seconds.

Mrs. HUTCHISON. Mr. President, I wish to speak in favor of the amendment. I do not think these prisoners from Guantanamo Bay should be in our country. I think we should stand firm, we should stand clear that this Senate, as we have voted before, does not want prisoners from Guantanamo Bay transferred to American soil. It will be a security risk to America. We do not need

to do it. This would be a way to stop this and do what is right for our country; that is, keep these prisoners where they are secure, away from any ability to harm America. I urge a vote for the Inhofe amendment.

The PRESIDING OFFICER. The majority has 23 seconds.

Mr. DURBIN. Neither the Senator from Oklahoma nor the Senator from Texas has addressed the amendment before us. This is not an amendment about transferring from Guantanamo to the United States. It is about whether we will spend the money to make sure, when these detainees are under trial in the United States, which they can be legally, they will be held safely. The Inhofe amendment precludes the expenditure of funds to improve the security of law enforcement facilities to contain these Guantanamo detainees.

Mrs. HUTCHISON. Mr. President, if we don't want to house those prisoners here, we should not try them here. That is the answer for this. Vote for the Inhofe amendment.

The PRESIDING OFFICER. All time has expired.

Mr. JOHNSON. I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—57

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burr	Kerry	Schumer
Byrd	Kirk	Shaheen
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Dodd	Levin	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NAYS—43

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Pryor
Brownback	Gregg	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	LeMieux	Voivovich
Cornyn	Lieberman	Wicker
Crapo	Lincoln	
DeMint	Lugar	

The motion was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I voted against the amendment offered by Senator INHOFE, No. 2774. It is time for Congress to allow the administration to work toward the goal that so many of us support: closing the detention facility at Guantanamo Bay once and for all. The administration has provided its plan to Congress, and has provided individualized reports on each detainee before any transfer occurs. While closing Guantanamo may not be easy, it is vital to our national security that we close this prison, which is a recruiting tool for our enemies. In particular, I oppose this amendment because it would prohibit the executive branch from spending money to upgrade security at U.S. detention facilities where Guantanamo detainees might be held, thereby making the American people less safe.

AMENDMENT NO. 2743

Mr. BURR. Mr. President, I wish to speak to amendment No. 2743 which would reallocate \$750,000 from the general operating expense account to fund programs to end veterans' homelessness, including the Department of Veterans Affairs' Homeless Provider Grant and Per Diem Program, and VA's Supportive Services Grants Program.

This money will help more than 131,000 veterans who are homeless on any given night including the estimated 1,659 homeless veterans in my home state. Many veterans are considered homeless or at risk due to their poverty, lack of support systems, and poor living conditions.

Homeless veterans are comprised of middle-age and elderly veterans, as well as younger veterans returning from Iraq and Afghanistan. The VA has identified 1,500 homeless veterans who fought during the current wars and of those, only 400 have participated in programs specifically targeting homelessness.

Sadly, homelessness among the ranks of recently separated combat veterans is not a new phenomenon, and their plight for the Nation's compassionate assistance is just as strong today as it was centuries ago. According to Todd DePastino, a historian at Penn State, homeless veterans of the post-Civil War era sang old Army songs to dramatize their need for work.

After World War I, thousands of veterans marched and camped in the Nation's Capital to express their frustration over bonus money. Many of these veterans were either homeless or at risk of becoming homeless.

After the Vietnam war, returning veterans were faced with serious physical, mental, and socio-economic problems that put them at serious risk of becoming homeless. According to VA the number of homeless male and female Vietnam era veterans is greater than the number of servicemembers who died during the Vietnam war.

It is important that Congress and VA remember the lessons learned from previous wars. We must work together to prevent homelessness before it begins

with the goal of eliminating homelessness. Much progress has been made, but we can do better.

My amendment targets two specific areas within VA's medical care budget for more funding. The Homeless Provider Grant and Per Diem Program offers funding to community agencies that provide services to homeless veterans. The purpose of the program is to promote the development and provision of supportive housing and/or supportive services with the goal of helping veterans achieve and maintain residential stability.

The supportive services programs allow veterans who are at risk or who are reentering the workforce to receive services that will reduce their likelihood of becoming homeless. Supportive services include health care services; daily living services, personal financial planning; transportation services; income support services; fiduciary and representative payee services; legal services; child care; housing counseling; and other services necessary for maintaining independent living.

In short, these programs are comprehensive and they work.

My original intention was to offer an amendment that would reallocate \$43,387,240, on top of the money in this amendment, for homeless programs. Ten years ago that money was originally appropriated for the Multifamily Transitional Housing Loan Guarantee Program. Since that program has been suspended, I believe this money could be put to a better use. However, the Congressional Budget Office tells me that rescinding the \$43 million and spending it on this bill would run afoul of our budget rules. I will therefore look for another opportunity to put this unused money to a better use in the near future. In the meantime, CBO has informed me that the amendment is compliant. I thank my colleagues for their support of my amendment.

Mrs. BOXER. Mr. President, I am so pleased that today the Senate will pass the fiscal year 2010 Military Construction and Veterans Affairs and Related Agencies Appropriations Act. This legislation provides \$133.9 billion in critical funding to ensure that our Nation's veterans have the care and services that they have earned and deserve. Specifically, it includes for the first time advance appropriations for veterans medical services—ensuring that the Department of Veterans Affairs receives funds in a timely and predictable manner. It also provides \$45 billion for veterans' health care, including \$4.6 billion for mental health treatment and programs.

In addition, the bill includes \$23.2 billion for military construction and family housing, including \$9.9 million to replace the 144th Squadron's current operations facilities at Fresno-Yosemite International Air National Guard Base. The squadron currently operates across several outdated facilities that are not sufficient for modern day operations. The facility will ultimately be

used to house F-15C Eagle aircraft squadron operations. F-15Cs are expected to arrive at the base in 2012 to replace the aging F-16C fleet. The 144th Fighter Wing provides air defense for California from Oregon to the Mexican border and is vital to the Nation's security.

The Senate voted on a number of amendments to this bill that have important consequences and I want to provide some additional information on two of my votes.

Last night, the Senate rejected a motion to send this bill back to the Appropriations Committee. I joined 68 of my colleagues in voting against this motion because I believe that this is a strong, bipartisan bill. By sending this bill back to committee, we would be unfairly asking our Nation's veterans to wait even longer for care. The men and women who have served our country so honorably should not be forced to wait for critical services.

And today, the Senate voted to reject an amendment that would prohibit the use of funds in this bill to build or make security improvements to a facility in the United States to hold a detainee who is transferred here from Guantanamo Bay. What it would have done is prevent the administration from making vital security improvements to our detention facilities. Ensuring that detention facilities have the highest possible security is critical to our national security and this amendment would have restricted that ability unnecessarily.

Mr. AKAKA. Mr. President, this Military Construction and Veterans Affairs Appropriations Act for 2010 rightfully prioritizes the health care of the Nation's wounded warriors by substantially increasing discretionary health care spending for fiscal year 2010. This bill includes a \$45.1 billion appropriation for the Veterans Health Administration that will enable VA to treat an estimated 6.1 million patients in 2010, including \$533 million to support the enrollment of 266,000 nondisabled, modest-income veterans. This funding furthers the Administration's goal of enrolling more than 500,000 of these previously ineligible veterans by 2013. In addition to enrolling more veterans of modest means, this bill provides for \$440 million to improve the health of rural veterans.

The 2010 Milcon-VA Appropriations Act includes a total of \$34.7 billion for medical services, \$4.8 billion for construction, and \$580 million for medical and prosthetic research. Total discretionary spending will be increased over \$3.9 billion above the fiscal year 2009 enacted level.

I am delighted that for the first time VA will receive advance appropriations—an additional \$48.2 billion in for fiscal year 2011—for three VA medical care accounts. This coincides with the landmark legislation, Veterans Health Care Budget Reform and Transparency Act of 2009, which was signed into law as Public Law 111-81 by the President

on October 22, 2009. Funding VA health care in advance will go a long way toward rectifying the chronic underfunding of VA health care, which has left so many of the Nation's veterans with unmet health care needs.

This bill fully funds VA's research programs. The \$580 million appropriation for VHA research represents a \$70 million increase from the fiscal year 2009 enacted level and an amount equal to the budget request. Through these funds, VA will be able to pursue targeted research goals like developing better prosthetic devices for the younger veterans returning from the Iraq and Afghanistan wars. VA can continue research into conditions like post-traumatic stress disorder, traumatic brain injury, and gulf war illness. In addition, VA can continue to recruit and retain quality health care providers, as over three-quarters of VA's researchers also provide direct patient care.

I am pleased that this bill contains an amendment I offered that will extend VA's authority to operate the Manila VA Regional Office.

Earlier this year, over 60 years after the end of the World War II, surviving Filipino World War II veterans finally received a measure of compensation for their service in the form of a one-time lump sum payment. These past months have demonstrated that dispersing these payments has been an enormous challenge, with multiple steps to authenticate the service of these World War II veterans.

Unfortunately, VA's authority to operate the Manila VA Regional Office will expire on December 31, 2009. There remains much work to be done in order to continue processing claims and ensuring these veterans are awarded benefits they have waited six long decades to receive. For this and other purposes, the operational authority of the Manila Regional Office must be extended.

The Manila Regional Office currently administers compensation, pension, vocational rehabilitation and employment, and education benefits to over 18,000 beneficiaries. In addition, VA also administers Social Security in the Philippines. Keeping this facility fully functioning is necessary for these deserving individuals to receive critical veterans' benefits as well to carry out an integral part of the U.S. mission to the Republic of the Philippines.

I extend my deepest thanks to the staff of the Manila Regional Office who have continued to demonstrate unwavering dedication to their duty to assist Filipino World War II veterans and indeed all veterans who apply for benefits from VA.

Finally, I mention Senator BARR's amendment, included in the underlying bill, that would directly support efforts to address homelessness among our Nation's veterans. His provisions, of which I am a cosponsor, are offset by funds currently allocated for administrative costs for an existing homeless program that is essentially defunct—the Multifamily Transitional Housing Loan Guarantee Program.

I will be working with Senator BARR in the future to ensure that the unspent money for this program—\$43 million—can be used for more active homeless programs, such as the Grant and Per Diem Program.

In closing, I thank Senators JOHNSON and HUTCHISON, the chair and ranking member of the Subcommittee on Military Construction and Veterans Affairs; Senators INOUE and COCHRAN, the chair and ranking member of the Appropriations Committee; and their staffs for their hard work in putting this bill together and for working to incorporate important veterans-related provisions in the package. Additionally, I thank the Members who filed VA-related amendments who worked with the Veterans' Affairs Committee to come to agreement on issues that could be addressed in this bill.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The substitute, as amended, is agreed to.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 348 Leg.]

YEAS—100

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Franken	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bennett	Gregg	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown	Hutchison	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burriss	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Kirk	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Tester
Coburn	Kyl	Thune
Cochran	Landrieu	Udall (CO)
Collins	Lautenberg	Udall (NM)
Conrad	Leahy	Vitter
Corker	LeMieux	Voinovich
Cornyn	Levin	Warner
Crapo	Lieberman	Webb
DeMint	Lincoln	Whitehouse
Dodd	Lugar	Wicker
Dorgan	McCain	Wyden
Durbin	McCaskill	
Ensign	McConnell	

The bill (H.R. 3082), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. JOHNSON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer appointed Mr. JOHNSON, Mr. INOUE, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, Mr. REED, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. LEAHY, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. MCCONNELL, Ms. COLLINS, Ms. MURKOWSKI, and Mr. COCHRAN.

Mr. JOHNSON. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I wish to thank my colleagues for their help in getting this bill completed. It was a long and slow process, but I am thankful we were able to dispose of a majority of the amendments that were offered.

This is a good bill. It is truly a bipartisan bill and contains some good programs that will help out military men and women and our Nation's vets. The bill provides investments in infrastructure for our military, including barracks and family housing, training and operational facilities, and childcare and family support centers. In addition, it fulfills the Nation's promise to our vets by providing the resources needed for the medical care and benefits that our vets have earned through their service.

As I have mentioned, for the first time the bill contains advance funding for vets' medical care for fiscal year 2011. This funding will ensure that the VA has a predictable stream of funding and that medical services will not be adversely affected should another stop-gap funding measure be needed in the future.

I wish to thank my ranking member, Senator HUTCHISON, for her work on this bill. She was critical in getting the amendments cleared on her side of the aisle. I wish to thank her staff, Dennis Balkham and Ben Hammond, for their hard work. I also wish to thank the majority staff, Chad Schulken and Andy Vanlandingham, for their hard work on this important bill. I would especially like to thank the subcommittee clerk, Christina Evans, for her hard work and leadership on this subcommittee.

I also wish to acknowledge the hard work of the floor staff and the cloakroom staffs. Thank you, Dave and Lula, for helping us get to this point.

Mr. President, let me again thank my colleagues. Thank you.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF DAVID F. HAMILTON TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will now be 60 minutes of debate divided between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I wish to begin by thanking our colleague, Chairman LEAHY, for his leadership in this area. He has been a model of decorum and patience, and I am personally grateful for his leadership.

My father, as my colleagues may recall, served for 18 years on the Judiciary Committee. I lack his patience and therefore never have, but I admire very much Senator LEAHY and those who help shepherd these judicial nominations, which, unfortunately, are all too frequently unnecessarily contentious.

Secondly, I note the presence—I am sure he will be speaking shortly—of our colleague, Senator SESSIONS. Although Senator SESSIONS and I have a disagreement over this nomination, we have worked well in many areas, and I look forward to collaborating with him in the future in those many areas where we do find ourselves in agreement.

Today, I find myself in agreement with my friend and colleague from my home State of Indiana, Senator LUGAR, who yesterday on this floor issued a compelling statement in support of the nomination of David Hamilton for the Seventh Circuit Court of Appeals. For all those Members of this body or those viewing us from afar who have questions about Judge Hamilton, I strongly recommend they read Senator LUGAR's very eloquent statement in his behalf. He went through every suggested con-

troversy point by point, debunking those who raised concerns about Judge Hamilton, and ended up by noting his 40 years of acquaintance with both the nominee and his family and his strong support for Judge Hamilton's nomination.

I rise today to speak in favor of the nomination of Judge David Hamilton. I join with Senator LUGAR to recommend Judge Hamilton because I know firsthand that he is a highly capable lawyer who understands the limited role of the Federal judiciary.

In recent days, some of Judge Hamilton's critics have unfairly characterized his record and even suggested that his nomination should be filibustered. I rise today to set the record straight and hope my colleagues will join Senator LUGAR and me in supporting this superbly qualified nominee.

Before I speak to Judge Hamilton's qualifications, I wish to briefly comment on the state of the judicial confirmation process generally. In my view, this process has too often become consumed by ideological conflict and partisan acrimony. I believe this is not how the Framers intended us to exercise our responsibility to advise and consent.

During the last Congress, I was proud to work with Senator LUGAR to recommend Judge John Tindler as a bipartisan, consensus nominee for the Seventh Circuit. Judge Tindler was nominated by President Bush and unanimously confirmed by the Senate by a vote of 93 to 0.

It was my fervent hope Judge Tindler's confirmation would serve as an example of what could happen when two Senators from different parties work together to recommend qualified, nonideological jurists to the Federal bench.

I know President Obama agrees with this approach. His decision to make Judge Hamilton his first judicial nominee was proof that he wanted to change the tone and follow the "Hoosier approach" of working across party lines to select consensus nominees.

On the merits, Judge Hamilton is an accomplished jurist who is well qualified to be elevated to the appellate bench. He has served with distinction as a U.S. district judge for over 15 years, presiding over approximately 8,000 cases. He is now the chief judge of the Southern District of Indiana, where he has been widely praised for his effective leadership. Throughout his career, Judge Hamilton has demonstrated the highest ethical standards and a firm commitment to applying our country's laws fairly and faithfully.

In recommending Judge Hamilton, I have the benefit of being able to speak from personal experience, because he was my legal counsel when I had the privilege of serving as Indiana's Governor.

If you ask Hoosiers about my 8 years as Governor, you will find widespread agreement that we charted a moderate, practical, and bipartisan course. As my

counsel, David Hamilton helped me craft bipartisan solutions to some of the most pressing problems facing our State.

He helped resolve several major lawsuits that threatened our State's financial condition. He wrote a tough new ethics policy to ensure that our State government was operating openly and honestly.

In addition to his insightful legal analysis, I could always count on David Hamilton for his sound judgment and the commonsense Hoosier values he learned growing up in southern Indiana. Like most Hoosiers, David Hamilton is not an ideologue.

During his service in State government, he also developed a deep appreciation for the separation of powers and the appropriate role of the different branches of government. If confirmed, he will bring to the seventh circuit a unique understanding of the important role of the States in our Federal system and will be ever mindful of the appropriate role of the Federal judiciary. He understands the appropriate role for a judge is to interpret our laws, not to write them.

Despite Judge Hamilton's long record as a thoughtful, nonideological jurist, his critics have sought to portray him as an "activist" judge hostile to religion. I have no doubt these attacks come as a surprise to his father, the Reverend Richard Hamilton, who is the former pastor of St. Luke's United Methodist Church in Indianapolis.

It is only in the upside-down, bipartisan world of Washington, DC, that the humble son of an Indiana zealot can be turned into a partisan zealot hostile to religion, which David Hamilton is not. To my mind, such outrageous attacks say more about the sad status of our judicial confirmation process than they do about Judge Hamilton.

Some of Judge Hamilton's critics have even suggested his nomination reaches the level of "extraordinary circumstances" justifying a filibuster. This is a nominee jointly recommended to the President by a moderate Democrat and the Senate's senior Republican. If this nomination constitutes "extraordinary circumstances," then that phrase has ceased to have any meaning whatsoever. I sincerely hope that all involved will agree to give Judge Hamilton the up-or-down vote he so clearly deserves. If not, I fear that filibusters will become routine regarding judicial nominees. That is not the way our Framers intended us to operate, nor the way that we should.

On a personal note, I have known Judge David Hamilton for over 20 years. I know him to be a devoted husband to his wife Inge, and a loving father to his two daughters, Janet and Devney. He is the nephew of former Congressman Lee Hamilton, a man whose integrity is beyond reproach.

As someone who personally knows and trusts Judge Hamilton, I say to my colleagues he is the embodiment of

good judicial temperament, intellect, and evenhandedness. If confirmed, he will be a superb addition to the Seventh Circuit Court of Appeals.

I urge my colleagues to join me and Senator LUGAR in supporting this extremely well-qualified and deserving nominee.

Before I end, let me say a couple of additional things. David Hamilton has been subjected to a number of unfounded attacks, probably the most ludicrous of which is that he is anti-religion in general and hostile to Jesus Christ in particular. His father was a 40-year Methodist pastor. David Hamilton was baptized and married by his father. Before he served as a Federal district court judge, he placed his hand upon the Bible—the Old and New Testament alike—and pledged loyalty to our Nation and devotion to our laws. He is not hostile to religion or to Jesus Christ. That charge is unfounded.

Likewise, it has been suggested that he is, in some way, soft on crime. A particular case has been cited involving child pornography. I find this to be ironic since he sentenced the accused to the maximum sentence allowed by law—the maximum sentence allowed by law, not 1 day less. Judge Hamilton has had the responsibility of handing down 700 criminal sentences in his time on the bench. The Justice Department has appealed two—a mere fraction of 1 percent. Judge Hamilton is not soft on crime.

Finally, it has been suggested that Judge Hamilton is a judicial activist. A case in our State involving abortion rights has been cited in that regard. I find that to be ironic, as well, because the president of the Indiana Federalist Society, an organization not known for embracing activist judges, strongly endorsed Judge Hamilton's nomination, saying:

I regard Judge Hamilton as an excellent jurist with a first-rate intellect. He is unflinching polite to lawyers and asks tough questions to both sides, and he is very smart—to the left of center, but well within the mainstream.

That is the position of Geoffrey Slaughter, president of the Indiana Federalist Society.

I find this set of circumstances to be most unfortunate. David Hamilton is superbly qualified. I think this is, more than anything else, a comment on the sad state of our judicial nominating process, where this individual has been caricatured as out of sorts with reality, and if extraordinary circumstances are found with regard to David Hamilton, I am afraid that filibusters of judicial nominations will become routine on the floor of the Senate. That would not be good for this body or our country. I hope we don't go there today.

Again, I urge my colleagues to join with me and Senator LUGAR in strongly invoking cloture on this nomination and voting to confirm him to the court of appeals.

I am glad to see Senator SESSIONS. I noted our many areas of agreement and

it has been my pleasure working with the Senator from Alabama in the past—even as we have a difference of opinion about this nomination today.

I ask unanimous consent that the time for any quorum calls be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I thank Senator BAYH for his comments and admire his support for a friend, the nominee under consideration today. He is an excellent Senator who continues to strive for fairness and good policy in the Senate.

Certainly, no one likes to oppose a nominee for the Federal bench. It is not a very pleasant thing to do. Having seen that process from both sides, I particularly don't relish the thought. But judges are seeking lifetime appointments to the Federal bench, and they would hold their office for life, without the ability of the public to review, even if the judge conducts himself in a way that is not appropriate. The American people may vote us out of office, and they do from time to time. They can vote their Governors out, as well as others. But Federal judges are not subject to that. Therefore, I think it is critically important that before we bestow that lifetime appointment, that power to define the meaning of words in our laws and our Constitution, we be certain that the nominee is a person who is committed, as the oath says, to serving under the Constitution and the laws and not above them.

This nominee has some problems. Unfortunately, it is not totally an isolated matter. There is indeed a philosophy prevalent among many judges in law schools that has led to, I think, an abuse of office by certain judges. In recent years, they have developed an idea that the Constitution is not a changeless contract with the American people, but a "living document," they say—in other words, a malleable instrument that they are free to massage, so that it is made to read as they would like it to read, or as they wish it had been written rather than doing their duty, which is to follow the document as it was in fact written.

I believe this disrespects the Constitution, weakens the Constitution. If it is not respected by this judge today, what would prohibit a judge tomorrow with a different philosophy from violating it at that point? I think it is indeed a dangerous philosophy, one that Judge Hamilton has bought into. That is part of his approach to law.

I do think judges must be committed to their oath and to the Constitution, and that they are not empowered to amend the Constitution, or write footnotes to it. Judge Hamilton has been nominated by the President for the U.S. Court of Appeals for the Seventh Circuit. He is now a Federal district judge. In that capacity, he is one step

below the Supreme Court, and he would have considerably more power to define words in our laws and Constitution than he does as a district judge. During his campaign, the President promised to seek a bipartisan administration, but we have had a number of candidates, I think, for the judiciary, and efforts on matters such as health care, that demonstrate otherwise. Some time ago, a number of us—I think all 40 Republicans—wrote and suggested that he re-nominate some outstanding candidates for the circuit court, who President Bush had submitted and were not confirmed, just as President Bush re-nominated some of President Clinton's nominees when he took office. We suggested it would be a good first step in showing that kind of commitment to openness. But the White House never even acknowledged that letter.

With Judge Hamilton, his first judicial nominee, I think we have a problem. According to some press reports, Judge Hamilton's nomination was intended to send a pacifying signal to the Republicans, and they indicated—some of the Administration's spokesmen—that future nominees would be more ideologically provocative. I am at a loss to think that we would have someone with greater ideological commitment than Judge Hamilton. Perhaps we will see that in the future. I don't think we have seen that to date. I have voted for most of the President's nominees, but some I have not supported.

To begin with, Mr. Hamilton was a board member and vice president of the ACLU chapter of Indiana. They take some very strong positions on constitutional questions that I think are unjustified. He signed onto that organization fully knowing what they stood for. He previously worked for and has been associated with ACORN, which is certainly not a mainstream organization but a real left-wing group. Investigations and reports of their activities have not made us feel good about ACORN, that is for sure.

There is a theory that Judge Hamilton's views are outside the mainstream of President Obama's other nominees, the vast majority of whom have openly rejected the President's so-called empathy standard, and have stated that empathy should not play a role in a judge's consideration of a case. Associate Justice Sotomayor rejected this notion explicitly at her confirmation.

However, instead of embracing the constitutional historic standard of jurisprudence that Justice Sotomayor said she believed in, one that says judges must faithfully adhere to the rule of law as written, Judge Hamilton has embraced openly the empathy standard which, I submit, is no standard at all. It is not a legal standard.

In response to a follow-up question after his hearing, Judge Hamilton said empathy was "important in fulfilling judicial oaths." He further stated, and this was in answer to a question, I believe, by Senator HATCH—he further stated:

A judge needs to empathize with parties in the case, plaintiff and defendant, crime victim and accused defendant, so that the judge can better understand how the parties came to be before the court and how rules affect those parties and others in similar situations.

I disagree with that. It is a pretty significant disagreement, actually. Whenever a judge empathizes with a party, whenever a judge uses or allows his personal beliefs, biases, or experiences to inform or influence a decision in favor of one party, he would then necessarily disfavor the other party. Empathy directly conflicts with the judicial oath which requires judges to faithfully and impartially "administer justice without respect to persons, and do equal right to the poor and the rich . . . under the Constitution and laws of the United States."

Judge Hamilton has said he believes a judge will "reach different decisions from time to time . . . taking into account what happened and its effect on both parties, what are the practical consequences."

But this is an outcome-determinative philosophy of law, and outcomes are to be considered by the legislative branch, the policymaking branch, when they pass the law. We pass laws and we do our best to figure out what impact they will have and how they should be enforced, and we draw the lines at this and that. It goes to a judge. Then a judge now is empowered to say: I know they wrote this, but I don't like the effect it is going to have on party A, so I am not going to enforce it. I don't want to be harsh. I don't want to be a strict constructionist. I believe I have the ability to empathize with the parties. The way I feel today I empathize with this party and not that party.

You see, that is not law. It is not law in the great American tradition of law. It is more akin to politics. Judges put on robes, they take oaths, they conduct themselves—the judges I have known over the years—in every way possible to send a message that they follow their oath and they do their duty and they treat people fairly, without bias or prejudice or empathy. Is empathy not a form of prejudice for one party or another?

I think this is a big deal. These are big issues, and I think Judge Hamilton's position is incorrect. He is a good person; I do not dispute that. But we are talking about whether he should be empowered to be an appellate judge, one step below the U.S. Supreme Court.

His view of the role of a judge troubles me. In a 2003 speech he said the role of a judge includes "writing a series of footnotes to the Constitution."

In explaining this answer to a question Senator HATCH submitted to him after the hearing, he wrote that he believes the Framers intended for judges to be able to amend the Constitution through evolving case law, in effect saying:

Both the process of case-by-case adjudication and the Article V amendment processes are constitutionally legitimate, and were

both, in my view, expected by the Framers, provided that case-by-case interpretation follows the usual methods of legal reasoning and interpretation.

I think that is a pretty strong statement. He says the process of case-by-case adjudication and Article V amendment processes are constitutionally legitimate—in effect, constitutionally legitimate ways to alter the document.

Article V is the amendment process. That is how we amend the Constitution. I am troubled by his statements. That was just recently when he submitted a written answer to questions. That is not a sound view of judging, in my opinion.

I would say, indeed, it is the essence of an activist judicial philosophy. That philosophy has impacted a number of his rulings as a Federal district court judge. His rulings show a lack of appreciation for the popular will of the people, of the State and Federal Government, and the elected branches. In more than a few instances he has used his position to drive a political agenda, it seems clear to me. Some can say it is not. We all make our best judgment about those matters. I think in this case he has a political agenda that is guided by personal beliefs and not the rule of law.

He has been reversed quite a number of times by the Seventh Circuit Court of Appeals, the very court for which he has now been nominated.

I would like to next look at the *Hinrichs v Bosma* case. I do not contend, and it is not right to say, Judge Hamilton is hostile to religion. It does appear he is hostile to the free expression of religion in certain circumstances and has been reversed as a result of it.

I want to be fair to him. In the *Hinrichs* case, he enjoined or issued an order to the speaker of the Indiana House of Representatives, telling the speaker that he cannot allow sectarian prayers, ruling that the prayers being said violated the Establishment Clause of the Constitution because many of the prayers expressly mentioned Jesus Christ. Yet in a post-judgment motion, Judge Hamilton permitted the use of Allah by a Muslim imam who was invited to pray at the legislature because he found there was "little risk" that such prayers "would advance a particular religion or disparage others."

I don't think that is a sound legal approach. But that is exactly what he said. People can say he did not mean that. But that is what happened. Judge Hamilton concluded in that case:

When government prayers are expressly and consistently sectarian, i.e., when they express faith of a particular religion, then the opportunity for prayers is being used to advance a particular religion contrary to the mandate of the Establishment Clause.

I don't think that is accurate because the law is, indeed, difficult in this area. But this is one of the more dramatic rulings I have seen in this area of the law.

In addition to prohibiting such sectarian prayers, as he defined it, Judge

Hamilton held that the speaker of the house must advise any officiant who opens the legislature with a prayer that a prayer must be nonsectarian, must not advance any one faith, or disparage another, and must not use "Christ's name or any other denominational appeal."

The Seventh Circuit initially denied the speaker's request for a stay of that injunction, finding that the ruling was supported by some precedent. However, after full briefing and oral argument, they reversed and remanded with instructions to dismiss, finding that the plaintiffs lacked standing.

I would just note for my colleagues that every day this Senate opens with a prayer. We have a Chaplain on the payroll of the U.S. Government who walks up those steps and stands behind the Speaker's chair and opens the session with a prayer and periodically mentions Jesus's name in that process. So I don't know how we get to this. Nobody, I assume, would challenge what we do here—at least they have not done so effectively yet.

In *Grossbaum v Indianapolis-Marion County Building Authority*, Judge Hamilton denied a rabbi's plea to allow a menorah to be part of a municipal building's holiday display. The Seventh Circuit unanimously reversed that erroneous opinion, finding that Judge Hamilton failed to acknowledge the rabbi's right to display the menorah as symbolic religious speech protected by the Constitution.

As we know, in the Constitution's first amendment it says Congress—us—Congress shall make no law respecting the establishment of a religion, or prohibiting the free exercise thereof. That is all the Constitution says about religion. It just as strongly prohibits limitations on free exercise of religion as it clearly prohibits the government from establishing a church and making it preferable over others.

It is interesting. The results reached in these decisions are strikingly similar to the positions consistently advocated by the ACLU, the organization with which Judge Hamilton has been associated prior to becoming a judge.

Judge Hamilton's problematic rulings are not limited to cases involving religion. Lawyers quoted in the *Almanac of the Federal Judiciary* describe him as one of the most lenient judges in his district in criminal matters. His rulings on the bench have lived up to that reputation.

In the *Rinehart* case, Judge Hamilton, I think inappropriately, acted and used his opinion in the case to request clemency—that is either elimination of the penalty he imposed pursuant to the mandatory Federal guidelines, at least within that range—for a police officer who had pled guilty to two counts, not of seeing pornography or possessing pornography but producing child pornography. A 32-year-old officer had engaged in "consensual"—consensual sex with two teenagers and videotaped the activity.

In *United States v Woolsey*, the Seventh Circuit faulted Judge Hamilton for disregarding an earlier felony drug conviction in order to avoid imposing a life sentence on a repeat offender. He didn't want to do that so he ignored the prior conviction that would have called for that.

In reversing his decision, the Seventh Circuit reminded Judge Hamilton that he was not free to ignore prior convictions, regardless of whether he deemed the penalty for recidivists to be appropriate.

Judge Hamilton's most activist decision may be a series of rulings in *A Woman's Choice v. Newman*. Through the rulings in this case, Judge Hamilton succeeded in blocking the enforcement of an Indiana informed consent law for 7 years. In reversing, the Seventh Circuit court noted that Judge Hamilton had abused his discretion. This is how they described it.

This is a strong condemnation, from my experience, as to how appellate judges deal with lower court judges who make errors. They know judges make errors from time to time. They just reverse it and try not to be too critical. But this is what they said in this case:

For seven years Indiana has been prevented from enforcing a statute materially identical to a law held valid by the Supreme Court in *Casey*, by this court in *Karlin*, and by the Fifth Circuit in *Barnes*. No court anywhere in the country (other than one district judge in Indiana) has held any similar law invalid in the years since *Casey* . . . Indiana (like Pennsylvania and Wisconsin) is entitled to put its law into effect and have that law judged by its own consequences.

They were referring to Judge Hamilton. In other words, if the judge didn't like the consequences of it and if his empathy made him believe this was not a good policy, he is not empowered to do that. The legislature passed a constitutional statute that simply said: Before a person has an abortion, they must be given notice of what the ramifications are so they can be informed when they make their decision. Apparently, he didn't like that. For 7 years, through a series of rulings, he kept it from being enforced. This case is a blatant example of him allowing his personal views to frustrate the will of the people and the popularly elected representatives of the government of Indiana. The people of Indiana went through a lot as a result. There were multiple appeals and lawsuits and attorneys. They were forced to expend great sums of money to overcome what appeared to me to be obstructionism.

Chief Justice Roberts said it best when he said judges should be neutral umpires, calling balls and strikes based on the law and the evidence. Unfortunately, Judge Hamilton disagrees with the idea that a judge should be a neutral umpire. This is what he said:

Judges reach different decisions from time to time. In that sense, the call is not was that a ball or a strike. But taking into account what happened and its effects on both parties, what are the practical consequences.

We don't want a baseball umpire who says: If I call this a strike, that will be the third out and the game will be over. I believe, with all sincerity, these views represent a results-oriented, activist philosophy that is hostile to the great American role of a judge in our constitutional system. I believe it disqualifies him for elevation to the court of appeals.

This is one of those extraordinary circumstances where the President should be informed of that fact by a vote of the Senate. That is why I will not be able to support cloture.

It will be the first time I have voted against cloture in a matter of this kind. I take this seriously. I talked about it some yesterday. If we could reach an agreement with my colleagues, Senator LEAHY and others, to not follow the filibuster rule, I think the Senate would probably be better. But under President Bush, some 30 filibusters against his nominees were effected. Eventually, we had a political brouhaha here for several years that culminated in a decision that the filibuster would be acceptable if you believed there were extraordinary circumstances justifying that against a nominee. This judge's history and background reach that level. That is why I will not be voting for him.

I don't think we should abuse this policy. I think we would be better off if we did not. But that is what the Senate basically decided when the Gang of 14 reached their agreement in the midst of a debate, for those who said you shouldn't filibuster and for those who said you can, and they reached that agreement. I think that is probably the state of the situation in the Senate. Based on that standard, I will oppose cloture.

I yield the floor.

Mr. HATCH. Mr. President, today the Senate takes up the nomination of David Hamilton to the U.S. Court of Appeals for the Seventh Circuit. This controversial nominee's record including his decisions, speeches, and testimony before the Judiciary Committee reflects an activist judicial philosophy that is inconsistent with the proper role of judges in our system of government. As a result, while I voted for cloture, I will vote against confirmation.

Even with control of both the White House and Senate, and with the largest Senate majority in 30 years, Democrats are still complaining about the slow judicial appointment pace. But we have nominees for only 19 of the current 99 judicial vacancies. Twenty-four of the 80 current vacancies for which there are no nominees are more than 1 year old. And yet one of the nominees we have received and who will have a hearing tomorrow would fill a seat on the U.S. district court that is not vacant at all.

At this point in 2001, President George W. Bush had sent nearly twice as many judicial nominees to the Senate despite dealing with the aftermath of the 9/11 terrorist attacks and a Senate controlled by the other political

party. And nominees to the U.S. district court this year have been confirmed nearly 15 percent faster than President Bush's district court nominees during the 107th Congress.

Democrats have nonetheless accused the minority of engaging in filibusters. If the word "filibuster" is used anytime the Senate does not blindly and immediately rubberstamp nominees, then the word no longer means anything at all. Democrats have circulated their talking points to reporters and commentators, who in some cases repeat outright falsehoods. Last week, the Judiciary Committee chairman placed in the Record a commentary by a law professor claiming that there had already been cloture votes on three judicial nominees. The CONGRESSIONAL RECORD is supposed to be a nonfiction work.

On the one hand, Democrats claim the Senate is not confirming nominees and then, on the other hand, complain that Senators actually must vote on them. This no doubt baffles many Americans, who probably think that voting is one of the things Senators come here to do. But the practice of using a rollcall vote to confirm noncontroversial judicial nominees was already firmly established, and not by Republicans. The percentage of district court nominees confirmed by rollcall vote during the administration of George W. Bush was 26 times higher than during the previous 50 years. You heard that right, 26 times higher. And the percentage of those rollcall votes without any opposition skyrocketed as well. The majority today has no one to blame but themselves for forcing such changes in confirmation tradition and practice.

If Republicans really wanted to obstruct President Obama's nominees, I suppose we could have followed the Democrats' example from 2001. Under Senate rules, pending nominations expire and return to the President when the Senate adjourns or recesses for more than 30 days. We routinely waive that rule to carry pending nominations over the August recess. But on August 3, 2001, Democrats objected to that traditional practice in order to send 45 judicial nominees back to the President. Some had been nominated literally the day before. Some had been nominated to life-tenured Federal courts, but others to term-limited courts such as the U.S. Court of Claims or the District of Columbia Superior Court. It did not matter to my Democratic friends, they did anything and everything they could to keep nominees from any consideration at all, including inventing entirely new forms of obstruction.

And then, of course, there were the first filibusters in American history used to defeat majority-supported judicial nominees. My Democratic friends invented that one too during the previous administration. Their scorched-earth campaign changed many long-established confirmation traditions and practices. So it is little wonder that

today, with such a controversial nominee before us, many on this side of the aisle feel justified in following the Democrats' playbook. I do not blame them for that. I voted for cloture today because I continue to believe that the Constitution's assignment of roles in the judicial selection process counsels against using the filibuster to defeat majority-supported nominees. Democrats should not have dragged the Senate across that line, and I fear that doing so may have unalterably changed how this body fulfills its role in the judicial selection process. Yet, for now at least, I still believe that the Senate fulfills its advice and consent role best by voting up or down on nominees that have been reported to the floor. That is why I voted for cloture on this nomination.

That said, I must vote against confirmation of this controversial nominee. Qualifications for judicial office include not only legal experience but also judicial philosophy. I define judicial philosophy as an understanding of the power and proper role of judges in our system of government. Judge Hamilton's activist record fails that standard.

Turning to that record, Judge Hamilton has rendered a pattern of decisions that evidence a willful assertion of personal views over the requirements of the law. Now I know we will hear that only a fraction of Judge Hamilton's decisions as a U.S. district judge are controversial. Most of any judge's decisions make no waves and raise no flags. When he served in this body, President Obama himself said that only 5 percent of the Supreme Court's decisions are truly the hard cases, and this percentage may shrink with each step down the judicial pyramid. I need not recount the few cases that my friends on the other side found more than sufficient to oppose so many nominees in the past. The cases that matter are the ones that tell us what we need to know about a judge and his judicial philosophy. I know other Senators will be speaking about a number of these and I want to highlight two of them.

In one notorious case, Judge Hamilton for 7 years blocked enforcement of Indiana's law requiring informed consent before a woman can obtain an abortion. The Supreme Court had 5 years earlier upheld a Pennsylvania informed consent law that the seventh circuit would later describe as "materially identical" to the one before Judge Hamilton. That was the precedent he should have followed. Instead, he turned a minor factual distinction into a constitutional difference and issued a preliminary injunction in 1995. Following the Supreme Court, the Seventh Circuit upheld a virtually identical Wisconsin statute in 1999, but Judge Hamilton also ignored that precedent and issued a permanent injunction in 2001 against the Indiana law. I do not see any way to explain his decisions in this case except as a will-

ful assertion of his own opinion over what the law required. When the Seventh Circuit finally reversed him in 2002, it said that no court anywhere in America had done what Judge Hamilton had done.

In another case, Judge Hamilton chose to ignore one of a defendant's prior drug convictions so that he did not have to impose a life sentence. In Judge Hamilton's personal opinion, a court in another state—where Judge Hamilton, of course, had no jurisdiction whatsoever should have set aside that earlier conviction and so he was simply going to ignore it. Mind you, even the defendant himself had not denied the earlier conviction, but Judge Hamilton was still going to substitute his own judgment. In one of the most stunning statements I have ever read in a judicial opinion, Judge Hamilton wrote that he "ought to treat as having been done what should have been done." In other words, he would not let the law, the facts, rulings of other courts with proper jurisdiction, or anything else stand in the way of how he wanted things to be. That is perhaps the ultimate mark of the activist judge, driven by results and finding whatever means necessary to get there. When the Seventh Circuit reversed Judge Hamilton, it cited its own precedents that Judge Hamilton should have followed and concluded: "Furthermore, we have admonished district courts that the statutory penalties . . . are not optional, even if the court deems them unwise or an inappropriate response to repeat drug offenders."

A judge should not have to be told that statutory requirements are not optional. A judge should not have to be told that he must decide cases based on the law rather than on his personal sense of justice or his belief about what should have been done at other times by other courts. A judge who must be told that he has an activist approach to judging that, in my opinion, should not be rewarded with promotion to the federal appeals court.

Those are just two of Judge Hamilton's decisions which I found fit a disturbing pattern of deciding cases based on his own views rather than the law. I also found that the rest of Judge Hamilton's record reflected the same activist view of judicial power. In speeches, for example, Judge Hamilton has endorsed the view that "part of our job here as judges is to write a series of footnotes to the Constitution." He has said that those supporters to the equal rights amendment to the Constitution "lost the battle but have won the war" because the Supreme Court changed the Constitution in substantially the same way that the ERA would have.

This latter view that judges may amend the Constitution through their decisions is particularly troubling. I asked Judge Hamilton about this statement in written questions following his hearing. Judge Hamilton stated that both the process of case-by-case adjudication and the article V amendment

process are constitutionally legitimate means of changing the Constitution and both were expected by America's Founders. He is wrong on both counts. If judges may change the Constitution through their decisions, they literally can make the law they use to decide cases. The Constitution cannot control judges if judges control the Constitution.

America's Founders flatly and explicitly rejected that view. In his farewell address, President George Washington said that if the Constitution must be changed, "let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation." By his own words, the Father of our Country disputed Judge Hamilton's assertion about the judiciary's proper role. In *Marbury v. Madison*, Chief Justice Marshall wrote that America's Founders intended the Constitution to govern courts as well as legislatures. This notion that constitutional amendments by judges are as legitimate as those by the people is completely inconsistent with the proper role of judges in our system of government but completely consistent with the activist approach evidenced by Judge Hamilton's decisions.

Well, I have said enough here to indicate the basis for my opposition to this controversial judicial nominee. I regret that President Obama chose someone with such an activist judicial philosophy as his first judicial nominee. I had hoped that he would take a more balanced approach to judicial selection, choosing consensus nominees that most Senators could support. I hope the nominee before us today does not set a pattern to be followed in the future and I will vote against his confirmation.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to respond to some of the things the distinguished Senator from Alabama has said. To call this the first filibuster of a judicial matter this year is not totally accurate. We have people who are confirmed unanimously after being blocked for month after month by the Republican side, who then says: But we didn't filibuster.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. LEAHY. Yes.

Mr. SESSIONS. Will the Senator cite a single vote prior to this where this Senator has voted against cloture?

Mr. LEAHY. That is not what I said. I am saying we have had several nominees who were approved, not only judicial but others, overwhelmingly—80, 90, 100 votes. They had to wait month after month because the Republican side would not allow us to even proceed to them by filibustering or threatening a filibuster. You have *de facto* *de jure* filibusters. During President Clinton's time, the Republicans pocket-filibustered 60 of President Clinton's nominees.

I yield up to 5 minutes to the distinguished senior Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to speak in favor of the nomination. Speaking candidly, perhaps bluntly, Judge Hamilton is a pawn in partisan political warfare. That is the long and short of it. This is the 90th filibuster in the past several months. This follows a pattern, regrettably, that goes back almost two decades, when both sides, Democrats and Republicans at various times, have engaged in filibusters against judicial nominees where there was no justification to do so. It occurred extensively during the Clinton administration. At that time, on the other side of the aisle, I supported many of President Clinton's nominees. It occurred during the Bush administration, when I chaired the Judiciary Committee, and there were repeated filibusters by Democrats against President Bush's nominees.

At that time, this Chamber was almost torn apart with the ferocity and intensity of the partisanship, with serious consideration being given to what was called the nuclear or constitutional option, when there was serious consideration given to altering the traditional requirement of 60 votes to end a filibuster. There was a tactic devised to challenge the ruling of the Chair, which could be overruled by or upheld by only 51 votes, and thereby move the judicial nominees without the traditional 60 votes. Fortunately, sanity and tradition prevailed and we worked out a compromise with the so-called Gang of 14 to confirm some and to reject others. Now we find the pattern continues.

It is my hope that at some point we can declare a truce, an armistice, and stop the partisan political warfare. The nomination of Judge Hamilton would be a good occasion to do that.

Senator LUGAR, in his mild manner, in a floor statement in support of the nomination, has said:

The confirmation process is often accompanied by the same oversimplification and distortions that are disturbing even in campaigns for offices that are, in fact, political.

Having worked with Senator LUGAR in this Chamber for the better part of three decades, I have observed his modesty, his circumspection, and his understatement. But those soft words about oversimplification and distortions give a clue to what is going on today.

Regrettably, this is part of a broader picture, a broader picture of partisan political warfare. On the major issues of the day, the stimulus package, not one Member of 170-plus in the House of Representatives, not one Republican Member was for the stimulus package. Only three Republicans in this Chamber would even talk to Democrats. In the House of Representatives, on com-

prehensive health care reform, only one Republican out of 170-plus stood in favor of the bill. He became a hero or, perhaps more accurately, an oddity. In the Senate, only one Republican in the Finance Committee would stand and vote in favor of reform. Is it any wonder why the Congress of the United States is held in such low esteem by the American public? Is it any wonder why approval ratings across the board are dropping in practically free-fall, with a dull thud, because the American people see what is going on in this Chamber and in the Chamber across the Rotunda and are, frankly, disgusted with it. They are sick and tired of seeing the partisan politics at play.

A great deal has been said about the qualifications of David Hamilton. Beyond any doubt, he is well qualified for the job. During my tenure on the Judiciary Committee, some three decades, part of which I served as chairman, I have seldom seen a better qualified candidate. I am reminded of the objections raised by Democrats to Judge Southwick, picking a couple lines from a couple opinions. Fortunately, sanity prevailed and Judge Southwick was confirmed. This is an outstanding man.

One additional note. His uncle is Lee Hamilton, the very distinguished former Member of the House of Representatives.

I address all my colleagues: Let's call a truce. Let's end the partisan political warfare. Let's start with the confirmation of Judge Hamilton.

Mr. LEAHY. I thank the distinguished Senator from Pennsylvania.

I yield up to 4 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I thank the distinguished chairman of the Judiciary Committee, not only for his commitment but his patience as he has had to labor through objection after objection, stalling tactic after stalling tactic, to fill these critical judgeships. On March 17, President Obama nominated his first judge to the Federal bench, David Hamilton, whose nomination the Republicans are now filibustering. He nominated him on March 17. Judge Hamilton is not a partisan judge. He has an excellent record. He has upheld the law. He has been an impartial umpire of cases before him. For 15 years, he has served with distinction on the Federal district court, and he has the strong support of his two home State Senators, a distinguished Republican and a distinguished Democrat. He has the highest rating from the American Bar Association. Yet the Republicans are still stalling his confirmation vote. Again, he was nominated on March 17.

This fair and impartial judge is being blocked for no other reason than to stop us from filling a critical seat on the appeals court with President Obama's nominee.

As we know, and as the distinguished Senator from Pennsylvania spoke about a moment ago, this is not a first.

In fact, 90 times so far this year—I am going to have to get a bigger chart soon—90 times we have seen Republicans come to the floor and object in some manner to moving our country forward, to moving the people's agenda forward.

Over and over again, we are seeing tactics to simply slow the Senate down, and a majority of these objections, as the Presiding Officer knows, have ended actually in unanimous votes once we have actually gotten through all of the process, all of the strategies, and actually gotten to a vote. Almost in every case, people have been confirmed overwhelmingly, if not unanimously, and the same is true with legislation.

We are at a point where the stalling has to stop. We have two wars happening. We have the highest unemployment in a generation. We have an economy to worry about, financial reform to worry about, and certainly health care, which is about jobs, which is in front of us now.

The time is now to stop. Every Senator has the right to vote yes or no on a nominee or on legislation. But 90 times—and counting—we have simply seen objections and stalling tactics to slow down the business of this country. I hope we are going to see that stop in the interest of everything we need to get done.

I strongly support this nominee.

Thank you, Mr. President.

**THE PRESIDING OFFICER.** The Senator from Vermont.

**Mr. LEAHY.** Mr. President, I ask the distinguished Presiding Officer to notify me when I have 3 minutes remaining.

**THE PRESIDING OFFICER.** The Chair will do so.

**Mr. LEAHY.** Mr. President, today, the Senate finally turns to the Republican filibuster against the nomination of Judge David Hamilton of Indiana to the Seventh Circuit. Republican Senators who, just a few years ago, protested that such filibusters were unconstitutional. Republican Senators who joined in a bipartisan memorandum of understanding to head off the "nuclear option" that the Republican Senate leadership was intent on activating. Republican Senators who agreed that nominees should only be filibustered under "extraordinary circumstances." Those same Republican Senators are now abandoning all that they said they stood for, and are instead joining together in an effort to prevent an up-or-down vote on the nomination of a good man and a good judge, David Hamilton of Indiana.

The American people should see this for what it is: more of the partisan, narrow, ideological tactics that Senate Republicans have been engaging in for decades as they try to pack the courts with ultraconservative judges. What is at stake for the American people are their rights, their access to the courts, their ability to seek redress for wrongdoing.

I thank the distinguished Senator from Michigan for pointing out these 90 delays just in this year alone. In evaluating this nomination, the nonpartisan American Bar Association's Standing Committee on the Federal Judiciary unanimously rated Judge Hamilton "well qualified," the highest rating possible. He has served as a Federal district Judge for 15 years and is now the chief judge in his district. His nomination is supported by the senior Republican in the Senate, his senior home State Senator, Senator LUGAR, and by Senator BAYH. That is correct: Judge Hamilton has the support of both of his home state Senators, the longest-serving Republican in the Senate, and a well-respected moderate Democrat.

Unlike his predecessor, President Obama has reached across the aisle to work with Republican Senators in making judicial nominations. The nomination of Judge Hamilton is an example of that consultation. Other examples are the recently confirmed nominees to vacancies in South Dakota, who were supported by Senator THUNE, and the nominee confirmed to a vacancy in Florida, supported by Senators MARTINEZ and LEMIEUX. Still others are the President's nomination to the Eleventh Circuit from Georgia, supported by Senators ISAKSON and CHAMBLISS, his recent nominations to the Fourth Circuit from North Carolina, which I expect will be supported by Senator BURR, and the recent nomination to a vacancy in Alabama supported by Senators SHELBY and SESSIONS on which the Judiciary Committee held a hearing 2 weeks ago.

I remind those Republican Senators who endorsed the Memorandum of Understanding on Judicial Nominations in 2005 of what they wrote when there was a Republican President in the White House. How quickly they seem to forget. They said:

We believe that, under Article II, Section 2, of the United States Constitution, the word "Advice" speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.

We firmly believe this agreement is consistent with the traditions of the United States Senate that we as Senators seek to uphold.

How easy it was for them to say at a time when we had a Republican President. Now we have a Democratic President who has done exactly what these Republican Senators recommended. He has consulted with home state Senators from both sides of the aisle regarding his judicial nominees. And yet Republican Senators still say: Whoops, no. We are going to stall. We are going to filibuster. We are going to make you wait 6 months to get a nominee through, in one instance, who then got a unanimous vote.

In the last administration, with a Republican President, they condemned filibusters of judicial nominations as "unconstitutional," "obstructionist," and "offensive." They issued a threat, though, to filibuster before President Obama made a single nomination. They wrote in a March 2 letter to the President:

If we are not consulted on, and approve of, a nominee from our states, the Republican Conference will be unable to support moving forward on that nominee.

Well, of course, they were consulted. The President, in his first nomination, went to the senior most member of the Republican Party, Senator LUGAR, for his approval and his support. He ended up doing every single thing the Republicans demanded that he do, and their response was: Whoops, never thought you would do what we asked for. We are still going to filibuster.

The American people and the Senate need to understand that Judge Hamilton was nominated with the support and strong endorsement of Senator LUGAR, the longest-serving Republican in the Senate. At Judge Hamilton's hearing over 7 months ago Senator LUGAR described Judge Hamilton as "an exceptionally talented jurist" and "the type of lawyer and the type of person one wants to see on the Federal bench." He knows David Hamilton and said of him at his hearing:

I have known David since his childhood. His father, Reverend Richard Hamilton, was our family's pastor at St. Luke's United Methodist Church in Indianapolis, where his mother was the soloist in the choir. Knowing first-hand his family's character and commitment to service, it has been no surprise to me that David's life has borne witness to the values learned in his youth.

Senator LUGAR gave a brilliant speech on the Senate floor just yesterday, speaking in favor of Judge Hamilton. I encourage every member of the Senate to review his well-considered statement in which he rebuts the thin, partisan attacks on Judge Hamilton and his record. As Senator LUGAR said, a fair review of his judicial record "will reveal that Judge Hamilton has not been a judicial activist and has ruled objectively and within the judicial mainstream."

Senator LUGAR is one of the finest Senators to have ever served in the Senate. First elected in 1976, he is the longest serving U.S. Senator in Indiana history. He is a strong man with strong views, a conservative Republican. He is no one's shill.

Instead of praising the President for consulting with the senior Republican in the Senate, the Republican leadership has doubled back on their demands when a Republican was in the White House. No more do they talk about each nominee being entitled to an up-or-down vote. That position is abandoned and forgotten. Instead, they now seek to filibuster this judicial nomination and engage is the very act that Republican leaders used to contend that they never do. They have also abandoned the new position they

took only months ago when they threatened to filibuster if not consulted. We are forced to overcome a filibuster of this nomination despite the President's bipartisan consultation with Senator LUGAR.

When President Bush worked with Senators across the aisle, I praised him and expedited consideration of his nominees. When President Obama reaches across the aisle, the Senate Republican leadership delays and obstructs his qualified nominees.

Today is November 17. By November 17 of the first year of George W. Bush's Presidency, the Senate had confirmed 18 district and circuit court judges. By contrast, once cloture is invoked and the Republican filibuster ended, Judge Hamilton will be just the seventh lower court nomination the Senate has considered all year. We achieved those results in 2001 with a controversial and confrontational Republican President after a mid-year change to a Democratic majority in the Senate. We did so in spite of the attacks of September 11; despite the anthrax-laced letters sent to the Senate that closed our offices; and while working virtually around the clock on the USA PATRIOT Act for six weeks. By comparison, the Republican minority this year has allowed action on only one-third that many judicial nominations to the Federal circuit and district courts as were confirmed by this date in 2001.

Charlie Savage made this point in *The New York Times* this past Sunday when he wrote:

By this point in 2001, the Senate had confirmed five of Mr. Bush's appellate judges . . . and 13 of his district judges. Mr. Obama has received Senate approval of just two appellate and four district judges.

David Savage of the *Los Angeles Times* wrote if even starker terms yesterday:

So far, only six of Obama's nominees to the lower federal courts have won approval. By comparison, President George W. Bush had 28 judges confirmed in his first year in office, even though Democrats held a narrow majority for much of the year.

This is not for lack of qualified nominees. There are eight judicial nominees, including Judge Hamilton who have been reported by the Judiciary Committee on the Senate Executive Calendar. Had those nominations been considered in the normal course, we would be on the pace Senate Democrats set in 2001 when fairly considering the nominations of our last Republican President.

Another aspect of the Republican obstruction is its refusal to consider the nomination of Professor Christopher Schroeder to serve as the Assistant Attorney General for the Office of Legal Policy at the Justice Department. Professor Schroeder has been stalled on the Senate Executive Calendar by Republican objection since July 28 since it was reported by the Judiciary Committee without a single dissenting vote. Professor Schroeder is a distinguished scholar and public servant who

has served with distinction on the staff of the Senate Judiciary Committee and in the Justice Department. He has support across the political spectrum.

I can only imagine that the reason his confirmation is being delayed is part of the partisan effort to slow progress on judicial nominees. The Office of Legal Policy is traditionally involved in the vetting of those nominees. So when Republican Senators excuse their obstruction by suggesting that the President has not sent the Senate enough nominees, they are wrong on at least two counts. They have not allowed the Senate to act on the nominees he has sent, and they are delaying appointment of the Assistant Attorney General who contributes to that process.

President Bush's first nominee to head that division, Viet Dinh, was confirmed 96 to 1 only 1 month after he was nominated, and only a week after he his nomination was reported by the committee. The three nominees to that office that succeeded Mr. Dinh—Daniel Bryant, Rachel Brand, and Elisebeth Cook—were each confirmed by voice vote in a shorter time than Professor Schroeder's nomination has been pending. As Charlie Savage wrote in *The New York Times* this weekend:

In addition, no one has been confirmed as head of the Justice Department's Office of Legal Policy, which helps vet judges; Mr. Obama's nomination of Christopher Schroeder for the position remains stalled in the Senate.

As chairman of the Judiciary Committee, I treated President Bush's nominees better than the Republicans had treated President Clinton's. That effort has made no difference; Senate Republicans are now treating this President's nominees worse still. During the 17 months I chaired the Judiciary Committee in President Bush's first term, we confirmed 100 of his judicial nominees. At the end of his Presidency, although Republicans had run the Judiciary Committee for more than half his tenure, more of his judicial nominees were confirmed when I was the chairman than in the more than 4 years when Republicans were in charge.

Last year, with a Democratic majority, the Senate reduced circuit court vacancies to as low as 9 and judicial vacancies overall to as low as 34, even though it was the last year of President Bush's second term and a Presidential election year. That was the lowest number of circuit court vacancies in decades, since before Senate Republicans began stalling Clinton nominees and grinding confirmations to a halt. In the 1996 session, the Republican-controlled Senate confirmed only 17 judges, and not a single circuit court nominee. Because of those delays and pocket filibusters, judicial vacancies grew to over 100, and circuit vacancies rose into the mid-thirties.

Rather than continued progress, we see Senate Republicans resorting to their bag of procedural tricks to delay

and obstruct. They have ratcheted up the partisanship and seek to impose ideological litmus tests. If partisan, ideological Republicans will filibuster David Hamilton's nomination, the nomination of a distinguished judge supported by his respected home State Republican Senator, they will filibuster anybody. This is partisanship gone rampant.

Senate Republicans are intent on turning back the clock to the abuses they engaged in during their years of resistance to President Clinton's moderate and mainstream judicial nominations. The delays and inaction we are seeing now from Republican Senators in considering the nominees of another Democratic President are regrettably familiar. Their tactics have resulted in a sorry record of judicial confirmations this year. There are more judicial nominees recommended to the Senate and sitting on the Executive Calendar awaiting consideration than the Senate has confirmed all year.

Last week, the Senate was finally allowed to consider the nomination of Judge Charlene Honeywell of Florida, but only after 4 weeks of unexplained delays. She was confirmed without a single negative vote, 88-0. The week before, the Senate was finally allowed to consider the nomination of Irene Berger, who has now been confirmed as the first African-American Federal judge in the history of West Virginia. The Republican minority delayed consideration of her nomination for more than 3 weeks after it was reported unanimously by the Judiciary Committee. When her nomination finally came to a vote, it was approved without a single negative vote, 97-0. The week before that the Senate was finally allowed to consider the nomination of Roberto A. Lange to the District of South Dakota. The Republican minority required 3 weeks before allowing consideration of that nomination after it was unanimously reported by the Judiciary Committee to the Senate. They also required 2 hours of debate before allowing the Senate to vote on that nomination. They, in fact, used less than 5 minutes of the time they demanded to discuss that nomination and that came when the ranking Republican on the Judiciary Committee spoke to endorse the nominee. That nomination had the support of both Senator JOHNSON and Senator THUNE, a member of the Senate Republican leadership. Ultimately, Judge Lange's nomination was confirmed 100-0. That follows the pattern that Republicans have followed all year with respect to President Obama's nominations.

Last week, the Senate finally debated the nomination of Judge Andre Davis of Maryland to a seat on the Fourth Circuit. He was confirmed 72-16. Sixteen Republican Senators voted in favor of the nomination and 16 were opposed. As Senators, they may vote as they see fit. What was wrong was that they delayed Senate consideration of that nomination for 5 months.

The obstruction and delays in considering President Obama's judicial nominations is especially disappointing given the extensive efforts by President Obama to turn away from the divisive approach taken by the previous administration and to reach out to Senators from both parties as he selects mainstream, well-qualified nominees. The President has done an admirable job of working with Senators from both sides of the aisle, Democrats and Republicans.

Professor Carl Tobias wrote about President Obama's approach recently in a column that appeared in McClatchy newspapers across the country on October 30. He wrote:

Obama has emphasized bipartisan outreach, particularly by soliciting the advice of Democratic and Republican Judiciary Committee members, and of high-level party officials from the states where vacancies arise, and by doing so before final nominations.

He had it right when he wrote that the real problem lies not with President Obama or with his nominations but with the Republican Senate minority. They are the principle cause of the current, sorry record regarding Senate confirmation of this President's outstanding nominees.

Federal judicial vacancies, which had been cut in half while George W. Bush was President, have already more than doubled since last year. There are now 98 vacancies on our Federal circuit and district courts, including 22 circuit court vacancies. There are another 23 future judicial vacancies already announced. Justice should not be delayed or denied to any American because of overburdened courts, but that is the likely result of the stalling and obstruction.

Despite the fact that Senate Republicans had pocket filibustered President Clinton's circuit court nominees, Senate Democrats opposed only the most extreme of President Bush's ideological nominees and worked to reduce judicial vacancies. This is not an extreme nominee. This is a nominee in the mold of Judge John Tinker, President Bush's nominee to the Seventh Circuit, also a well-respected district court judge in Indiana who was unanimously rated "well-qualified" by the American Bar Association. His nomination was supported by both Senator LUGAR and Senator BAYH and was confirmed 93-0 just 84 days after the Judiciary Committee held a hearing on his nomination.

When he testified in support of Judge Hamilton, Senator LUGAR thanked Senator BAYH for "the thoughtful, cooperative, merit-driven attitude that has marked his own approach to recommending prospective judicial nominees" and his "strong support for President Bush's nominations of Judge Tinker for the Seventh Circuit and of Judge William Lawrence for the Southern District of Indiana." I supported both of those nominees with the endorsement of both of Indiana's Sen-

ators and both were easily confirmed. This nomination should be no different.

I hope that Senators now considering whether to even allow this nomination to be considered by the full Senate heed the advice of Senator LUGAR, which he reiterated yesterday when he said:

[I] believe our confirmation decisions should not be based on partisan considerations, much less on how we hope or predict a given judicial nominee will rule on particular issues of public moment or controversy. I have instead tried to evaluate judicial candidates on whether they have the requisite intellect, experience, character and temperament that Americans deserve from their judges, and also on whether they indeed appreciate the vital, and yet vitally limited, role of the Federal judiciary faithfully to interpret and apply our laws, rather than seeking to impose their own policy views.

As other editorial pages across the country have already done, the Washington Post today urges Senate Republicans to reject the distortions of Judge Hamilton's record, and to heed Senator LUGAR's "words of praise for Judge Hamilton's record, intellect and character and allow a vote, and then vote in favor of confirmation." I could not agree more.

Mr. President, I ask unanimous consent that a copy of today's editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Nov. 17, 2009]  
GIVING HYPOCRISY A BAD NAME

During the Bush administration, Republicans decried Democratic attempts to filibuster judicial nominees. Some went so far as to label such filibuster attempts unconstitutional and threatened to exercise the "nuclear option" to ban the procedural tool in nomination matters.

Yet now Republicans are threatening to filibuster in an attempt to thwart confirmation of President Obama's first judicial nominee, Indiana federal Judge David F. Hamilton. The Senate is scheduled to vote on cloture Tuesday on Judge Hamilton's nomination to the U.S. Court of Appeals for the 7th Circuit. The prospect of a filibuster is made all the more ridiculous because Judge Hamilton has been rated "well-qualified" by the American Bar Association, enjoys the support of both home state senators, including Republican Richard G. Lugar, and even wins praise from the conservative Federalist Society of Indiana.

Sen. Jeff Sessions of Alabama, ranking Republican on the Judiciary Committee, has distorted Judge Hamilton's record on the trial court in an effort to rally the GOP caucus. For example, Mr. Sessions, arguing that Judge Hamilton is too liberal, cites a case in which Judge Hamilton struck down as unconstitutional sectarian Christian prayers in the Indiana state house but allowed those that referred to Allah. Mr. Sessions points out that the decision was overturned by the court of appeals that Judge Hamilton now hopes to join.

But the senator fails to explain that Judge Hamilton documented that 41 of the 53 invocations during the 2005 session of the Indiana House were given by Christian clergy; nine were delivered by elected officials; one each was said by a Muslim imam, a Jewish rabbi and a layperson. Such a lopsided tally, Judge

Hamilton reasoned, could leave the constitutionally unacceptable impression that Indiana lawmakers favored one religion above all others. Judge Hamilton explained in his written opinion that the ruling did not "prohibit the House from opening its session with prayers if it chooses to do so, but will require that any official prayers be inclusive and non-sectarian, and not advance one particular religion." Mr. Sessions also fails to note that the 7th Circuit reversed Judge Hamilton on procedural grounds and not because it disagreed.

There are probably not the 40 votes needed to block Judge Hamilton's nomination from reaching the floor. We hope that Republicans in large numbers heed Mr. Lugar's words of praise for Judge Hamilton's record, intellect and character and allow a vote—and then vote in favor of confirmation. In this instance, a vote for Judge Hamilton will be a vote to restore much needed comity and integrity to the process—qualities that the next Republican president will greatly appreciate when his nominees are considered.

Mr. LEAHY. Senator LUGAR believes Judge Hamilton "is superbly qualified under both sets of criteria." I agree. I urge the Senate to reject these efforts and end this filibuster with a bipartisan vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has a minute and a half remaining.

Mr. SESSIONS. All right. I will briefly say that for the first time, I believe, in the history of the Senate, a number of President Bush's nominees were systematically filibustered. At 30 different times, cloture votes were required, and some failed, so the nominee did not go forward. That was unprecedented in the history of the Senate.

Now my colleagues say the dispute over that eventually got settled by the fact that a group of 14 Senators said: We need a compromise, and this is the compromise. You should not filibuster a Presidential judicial nomination unless there are extraordinary circumstances.

I opposed that. I have opposed filibusters before. But I do think since we have had no debate on this nominee to date, and this nominee has extraordinary statements in cases, and a record that indicates to me a lack of commitment to following the law—even though he is a person with whom I have no problem as to character and intelligence and ability, but I do not agree with his judicial philosophy—therefore, I believe this side cannot acquiesce to a precedent that says Democratic Presidents can get their judges confirmed with 51 votes; but if a Republican President nominates a nominee, he has to have 60 votes.

The PRESIDING OFFICER. The time is expired.

Mr. SESSIONS. So I think we have changed the rule, unfortunately. I think based on this situation, I will ask my colleagues not to support cloture.

I yield the floor.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am going to use some leader time now to speak on a matter that will shortly be before the Senate.

As I indicated to you, the Chair, we will vote on advancing the nomination of a man named David Hamilton, a supremely qualified individual who is already a district court judge from the State of Indiana. He has been an outstanding trial court judge, and he has been nominated by President Obama to be a judge in the Seventh Circuit. But, as many have heard here over this last hour or so—and you might have guessed simply if you have followed the Senate over the last 2 years—Republicans would rather we didn't vote on this man, ever. They would rather that a critical seat such as this remain empty, but not because of who was nominated to fill that seat; Judge Hamilton's professional performance has been exceptional. His qualifications are stupendous. He is widely admired on all sides because of his stellar judicial performance and his fair judicial philosophy. Senators from that State, Democrat EVAN BAYH and the Republican, the long-serving Senator RICHARD LUGAR, strongly urge confirmation. He is a man who is respected.

It is unusual that we would have the Republicans focus on one opinion he wrote dealing with religion. No one should ever second-guess this man's religious capacity.

He served as the attorney for Gov. EVAN BAYH. His father is a 40-year minister of a large Methodist Church in Indianapolis in which Judge Hamilton was baptized. Senator LUGAR, the Republican senior Senator from Indiana, has called Judge Hamilton exactly the kind of person one would want to see on the Federal bench. He has called him brilliant, fair, and committed to the law. I agree.

I have had the good fortune to serve in Congress with his uncle, Lee Hamilton, a longtime-serving Member of the House of Representatives from Indiana, the chairman of the Foreign Affairs Committee—really a good person. Being a good person and being involved in public service runs in that family, obviously, because of Judge Hamilton and Chairman Lee Hamilton.

The Federalist Society of Indiana, a strongly conservative institution—and that is an understatement—acknowledges that Judge Hamilton is well within the mainstream of the law. The American Bar Association has rated him as high as anyone can be rated.

The solitary decision of his, that is, Judge Hamilton, with which the Republicans claim to find fault is one in which Judge Hamilton stood for the separation of church and state, a principle protected by the first words of our Constitution's first amendment.

The reason most Republicans object to advancing his nomination has nothing to do with Judge Hamilton himself and everything to do with pure partisanship. Such shortsightedness is the reason why, even though the Judiciary Committee approved Judge Hamilton back in early June—he was nominated in April—he has had to wait 166 days for this procedural vote and it has had to be forced upon the Senate. We have a lot of things to do here in this body. It is very unfortunate we had to file cloture on a judge.

Judge Hamilton is far from the first victim of this partisan strategy to slow and stall the Senate. We have had that happen over 90 times already this year. In fact, Republican Senators have made a habit of objecting to the least objectionable nominees of President Obama's. The Senate has so far confirmed six judges for the court of appeals and the district court. Five of them were reported out of committee by voice vote. That means they were so obviously qualified that the committee didn't even feel the need to have a roll-call vote. When they reached the Senate floor, four of those five passed unanimously by votes of 88 to 0, 97 to 0, 99 to 0, and 100 to 0. Yet Republicans forced us to wait, wait, and wait for all of those votes in the first place. They did so for no other reason than to waste the American people's time.

I was stunned to hear my friend from Alabama say we haven't had enough time to debate this man. We have offered consent agreements, we have talked to everyone: How much time do you want? You can have it. We haven't had a debate on this nominee because we had to file cloture. The Republicans didn't want a debate on it. This is how the Republicans have forced the Senate to operate. It is not how it always works or how it should work. When President Bush was in office, as we have heard the distinguished chairman of the committee say on many occasions, the Democratic majority in the Senate confirmed three times as many nominees as we have been able to confirm in the same amount of time under President Obama.

Let's be clear. We are not yet voting on whether to confirm Judge Hamilton for this important position. Our votes today simply indicate whether we believe the judge, Judge Hamilton, deserves an up-or-down vote before the full Senate.

The votes of each Senator today will demonstrate whether he or she believes

in the Senate's power as outlined in our Constitution to advise and give its consent to the President's nominations to the Federal bench.

Going to law school was a very good experience for me. It was not like undergraduate school. It wasn't how much you could memorize. For those of us who endured law school, we did more than learn about obscure facts and learn rigid legal rules; we analyzed the abstract thinking behind our laws and the logic out of which our great judicial system grew. That is what law school is all about. That is what lawyers train to do—think abstractly lots of times.

One of the very first principles I learned in law school—and I still have it in my mind—was following precedent. I believe in what we call stare decisis. It is how we maintain consistency in our court rulings, and it is a cornerstone of the common law we brought over from Great Britain when we became a country. Precedent is a simple notion: Once a rule has been established, we must apply that standard to all future cases in which the facts are similar to the first. This concept predates our courts, our Constitution, and even our country. Every aspiring lawyer studied it and every judge considers it when deciding a case.

The future of that same legal system rests before the Senate today. In the Senate, as in the law, what we say in this Chamber and in the public record should set the precedent for our own actions. That is why the Parliamentarians who serve us so well understand the precedents. We ask them a question, and they follow the precedent.

Here is what has been decided in the Senate previously. The record is replete with my Republican colleagues—including Members of the Republican leadership today and the Judiciary Committee—speaking about the solemn responsibility of the Senate to confirm judges. In other words, the record is replete with precedent.

For example, my counterpart, the distinguished Senator from Kentucky, the Republican leader, has argued strongly that the present judicial nomination deserves a simple up-or-down vote. He reminded the Senate of that not long ago; in fact, it was May of 2005. He said that our job is to give our advice and consent and not, as he put it in May 2005, and I quote, "advise and obstruct." I agree. Two years earlier, my distinguished counterpart said that filibustering judges—which is exactly what is happening right now at a record pace—is "a terrible precedent." I sincerely hope the Republican leader heeds his own words and doesn't repeat the very obstruction he condemned in the past.

The ranking member of the Judiciary Committee, the junior Senator from Alabama, has also rightly called the filibustering of judicial nominations "obstructionism," and that is his word. He has said it is "very painful," and he has described it as "a very, very grim thing." He is right.

The Senator from Alabama went further to say the following:

We ought to be pleased that a nominee has cared enough about his or her country to speak out about issues that come before the country.

I agree. I share the belief that those who have chosen to serve our Nation must be able to get to work without delay. I hope the gratitude of the Senator from Alabama will be reflected in his vote this afternoon.

The Republican whip, the junior Senator from Arizona, has expressed similar disgust with judicial filibusters such as the one we are seeing today. In November of 2003, he said:

It is time to take politics out of the confirmation process, give nominees the up-or-down vote they deserve, and move the orderly process of justice forward.

He, too, is right. I hope the Senator from Arizona will consider that orderly process when he votes on advancing Judge Hamilton's nomination a few minutes from now.

The senior Republican Senator from Utah, who has served as chairman of the Judiciary Committee three separate times and still sits on that distinguished panel, also spoke out strongly against filibustering judges. He said in 2005 that doing so "undermines democracy, the judiciary, the Senate, and the Constitution." And it does. I hope the Senator from Utah doesn't contribute to such affronts by voting no today.

Another Republican Senator, the senior Senator from Iowa, who also serves on the Judiciary Committee, warned in 2003 that filibustering judges would lead to "a constitutional crisis." I agree with him. I hope he helps us avert a filibuster and avoids a crisis by voting yes today for Judge Hamilton.

Another Republican Senator, the junior Senator from Texas, who served on the Judiciary Committee and was a supreme court justice in Texas, said in 2006 he hopes the filibuster of judicial nominees "should never happen again, and that all nominees of a President are entitled to an up-or-down vote." That was a few years ago. He called what Republicans are doing today "an abomination" and "the most virulent form of unnecessary delay one can imagine." The same Senator also said on the Senate floor that he finds it "simply baffling that a Senator would vote against even voting on a judicial nomination." I find it baffling, also. I sincerely hope the Senator from Texas will not delay us unnecessarily by supporting his party's filibuster. I could go on with a lot more quotes. It was interesting this morning. I listen to National Public Radio. There was a nice piece on there talking about what the Republicans are doing here, and it had the actual voices of the Senators. I cannot give the voices, but that was done on public radio, where they had the voices of the Senators saying things such as I have read today.

I could go on and on. For example, another Republican Senator, the senior Senator from Kansas, has said that

forcing supermajorities to confirm nominees—which is what a filibuster does—is inappropriate.

Another Republican Senator, the senior Senator from Idaho—and by the way, his brother was a law school professor at Brigham Young University, where my son-in-law went to law school. My son-in-law has a wonderful mind, and he said he was the best professor he ever had and the smartest he ever had. Unfortunately, he died as a very young man. The senior Senator from Idaho said: "It turns the Constitution on its head and begins a very dangerous precedent with regard to how the nominees for the judicial branch are treated by the Senate."

He talked about what a filibuster does. Again, my Republican friends are right. I hope the Senators from Idaho and Kansas will make sure filibusters still have no place in the confirmation process, and I hope they don't make such a practice precedent. They can do so by voting yes today.

Every single Senator may vote either for or against the nomination as he or she sees fit. That right will never be in jeopardy. But that is not the issue before us today. The question before us is whether the President of the United States deserves to have his nominees reviewed by the Senate, as the Constitution demands he does.

I feel so strongly about what took place a few years ago. We could go back and debate whether President Bush's nominations—whether he should have gotten more than what he did. We know he got hundreds of them. As I said on the floor, the point is, what the Republicans were going to do—a very slight majority—is they were going to do away with precedent, with filibusters in the Senate. I said at that time, if they did that and I ever came into a position of authority, I would never reverse it. I felt that strongly about it. If the Republicans would make us do what I think is wrong—that is, vote on cloture on all these nominations—it will take a lot of time and it is not fair. We should not do that.

I only say to my friends that very few judges were held up by the Democrats when we were in the minority. Some were held up. Regardless, when I took this job in 1998—when I was elected to a leadership position—I said we should treat the Republicans as we would like to be treated, which is the Golden Rule. When we got the majority, I said the same thing. That is how I feel about it. Let's go by the Golden Rule in the Senate. Let's treat judicial nominees the way they would want them treated if the roles were reversed. I hope we can do that.

That is not the issue before us today. The issue today is whether the President of the United States deserves to have his nominees get a vote up or down. The question before us is whether the President deserves to have his nominees reviewed by the Senate, as the Constitution demands he does.

The question before the Senate is whether the nominees themselves de-

serve to be confirmed or rejected based on their judicial philosophy, their experience, moral turpitude, and whatever else people decide they don't like—their looks or they are too old or too young, whatever. But it should be on that person's qualifications as seen by the individual Senators.

The question is whether Senators who publicly demand up-or-down votes when it is politically convenient will follow the precedents they set for themselves, even when it is not. The vote we are about to hold will give us that answer. I hope we will have a large vote on being able to proceed to this nomination, and I hope we don't get into this situation where, out of spite—because there has always been plenty of time to debate this man—postcloture we have to wait 30 hours to confirm the nomination. That would not look good for this body, and I hope it is not necessary.

Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David F. Hamilton, of Indiana, to be a United States Circuit Judge for the 7th Circuit.

Harry Reid, Herb Kohl, Sheldon Whitehouse, Richard J. Durbin, Benjamin L. Cardin, Patty Murray, Mark Begich, Kirsten E. Gillibrand, Mark R. Warner, Russell D. Feingold, Al Franken, Roland W. Burris, Dianne Feinstein, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Edward E. Kaufman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of David F. Hamilton, of Indiana, to be a U.S. circuit judge for the Seventh Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 29, as follows:

[Rollcall Vote No. 349 Ex.]

## YEAS—70

Akaka	Franken	Murkowski
Alexander	Gillibrand	Murray
Baucus	Gregg	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Hatch	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burr	Kerry	Schumer
Byrd	Kirk	Shaheen
Cantwell	Klobuchar	Shaw
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Chambliss	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Udall (CO)
Cornyn	Lincoln	Udall (NM)
Dodd	Lugar	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

## NAYS—29

Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Inhofe	Shelby
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Corker	Kyl	Wicker
Crapo	LeMieux	

## NOT VOTING—1

Hutchison

The PRESIDING OFFICER. On this vote the yeas are 70, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT—S. 1963

Mr. REED. Mr. President, I ask unanimous consent that upon disposition of the nomination of Judge David Hamilton and the Senate resuming legislative session that the Senate then proceed to the consideration of Calendar No. 190, S. 1963, Veterans Health Care Initiatives, and that the bill be considered under the following limitations: that general debate on the bill be limited to 30 minutes equally divided and controlled between Senators AKAKA and BURR or their designees; that the only amendment in order be a Coburn amendment regarding funding priorities which is at the desk and that it be printed in the RECORD once this agreement is entered; that debate on the amendment be limited to 3 hours, with 2 hours under the control of Senator COBURN and 60 minutes under the control of Senator AKAKA or his designee; that upon the use or yielding back of all time, the Senate proceed to vote in relation to the Coburn amendment; that upon disposition of the Coburn amendment, the bill, as amended, if amended, be read a third time, and the

Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment (No. 2785) is printed in today's RECORD under "Text of Amendments.")

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HEALTH CARE REFORM

Mr. BURRIS. Mr. President, as I address this Chamber today, there is a broad consensus across the country that our health care system is broken. It simply doesn't work for Americans anymore. Everyone agrees that we need real comprehensive health care reform. In order to accomplish this, I believe we must include a strong public option to restore competition, cost savings, and accountability to the health care insurance industry. In fact, I have stated before that I will not vote for any reform measure that fails to include a strong public option.

A few of my colleagues are still not convinced. Some have honest questions. But there are others who are not interested in winning this argument on the merits. A few of my colleagues across the aisle are trying to stop this Congress from passing any health care reform at all. Some of my distinguished Republican friends have said our proposals are simply too expensive. They say a trillion dollars is too high a price to pay for a better health care system.

I beg to differ. We already pay far too much for health care. Our reform bill would reduce costs over the long term. It would allow consumers to hold insurance companies accountable for the first time in many years. It would restore real competition to markets that are currently monopolized by a few big corporations. It would accomplish all of that without adding to the budget deficit. Yet my colleagues continue to insist that health care reform would be too expensive. Despite the number of Americans suffering under our broken system, they want to talk about fiscal responsibility instead of health care reform. My Republican friends have simply lost their credibility when it comes to this issue. They say they would not support reform that will save lives and improve health outcomes for millions because it costs too much. Yet under a Republican President, they were willing to write bigger and bigger checks to benefit the wealthy.

In 2001, when President Bush asked Congress to pass tax cuts that mostly

helped the super rich, the total cost came to \$1.35 trillion over 10 years. That is more than \$300 billion more than our health care reform bill, and it provided significant benefits to far fewer Americans.

More than half of the current Republican caucus was serving in the Senate at the time of this vote. Did they try to block the bill? Did they stand up and say: \$1.3 trillion for the super rich—that is wasteful, irresponsible, and far too costly? No, they did not.

When President Bush called, they answered. My Republican friends voted in favor of this massive spending program, even though it added more than \$1 trillion to the deficit.

Many of the same people now want to put the brakes on a deficit-neutral health care reform bill designed to help millions of ordinary Americans.

Later in 2003, just as this country began to spend hundreds of billions of dollars to conduct two wars, President Bush asked for yet another tax cut. This tax cut also benefited the richest of the rich and added \$330 billion more to the deficit.

But did my distinguished Republican colleagues urge fiscal responsibility? Did they demand that the President explain how he would finance the wars or balance the budget before they voted on another massive tax cut? No, they did not. Their vocal support for fiscal responsibility was nowhere to be found. Once again, they voted overwhelmingly for the second round of tax cuts.

Yet as I address this Chamber today, a few of the same Senators are doing everything they can to stop us from passing health care reform.

I would urge the American people to consult the record for themselves. The same voices that now oppose extending health care coverage actually supported spending significantly more money to pad the bank accounts of the richest people in this country.

It is the same story for expensive programs such as Medicare Part D. More than half of the Republicans still in the Senate voted for \$400 billion of new spending back in 2003. Almost all of these distinguished Senators voted time and again to fund the ongoing wars in Iraq and Afghanistan, which have cost the American taxpayers more than \$1 trillion and far too many American lives.

I do not mean to suggest every single one of these spending programs was a bad idea. But I would like to point out that when my Republican colleagues talk about "fiscal responsibility," they are talking about an issue on which they have lost their credibility. They recklessly added trillions of dollars to the deficit under a Republican President, but today they oppose health care reform even though it will be paid for by cost offsets. Their actions simply do not match their words. They are placing cynical politics ahead of good policy.

So I have a question for my Republican friends who have been Members

of this Senate since 2001: If they supported almost \$2 trillion of deficit spending for tax relief for the rich, then, I ask them, exactly how much are we allowed to spend for health care that will benefit millions of people across this country?

Mr. President, 45,000 Americans die every single year because they do not have insurance and cannot get the quality care they need. Without competition in the industry, insurance companies have raised premiums, denied benefits, and refused coverage to millions. So I ask my colleagues: How much is too much for this Congress to spend to save these lives?

My colleagues like to talk about responsibility, so I put it to them that the only responsible course of action is to pass this health care bill, and pass it now. That is the reaction we need.

Unfortunately, there are some in this Chamber who are not interested in addressing the issue of health care reform. There are some who do not want to have an honest, open debate on the subject. They want to kick the can further down the road, as our predecessors have done time and time again for the last 100 years.

That would be the easy answer—to leave it to someone else to solve the difficult problem of health care reform after the problem has gotten even worse, to settle for the status quo or put a band-aid on a gaping wound and hope that future legislators will muster the political will that a century of lawmakers has lacked. There are some in this body who would settle for this.

But I believe the American people deserve better. Especially in difficult times, they demand better of their representatives in Congress. So I say to my colleagues, as great leaders have said to us time and time again throughout our history: Let's seize this moment to do what is right, not what is easy. Let's summon the will to succeed where others have failed.

It is time to deliver on meaningful health care reform. It is time for competition, cost savings, and accountability in the insurance industry. It is time to be honest with the American people.

Friends, colleagues—Republicans and Democrats—this is no time for partisan games and empty rhetoric. This is time for action. Millions of Americans are counting on us to make health care reform a reality, and we must not let them down. I will say that again. We must not let them down.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I oppose the nomination of Judge David

Hamilton to be a Seventh Circuit Appeals Court judge. I have serious concerns about this nomination and will be voting not to confirm him.

During his time as a Federal judge on the U.S. District Court for the Southern District of Indiana, Judge Hamilton has issued a number of highly controversial rulings and, more importantly, has been reversed in some very prominent cases. In my opinion, these decisions strongly indicate that Judge Hamilton is an activist judge who will ignore the law in favor of his own personal ideology and beliefs.

For example, in one case, Judge Hamilton succeeded in blocking enforcement of an informed consent law for 7 years. In that case, called *A Woman's Choice v. Newman*, Judge Hamilton struck down an Indiana law requiring that certain medical information be given to a woman in person before an abortion can be performed. The Seventh Circuit overruled Judge Hamilton's decision, stating:

For 7 years, Indiana law has been prevented from enforcing a statute materially identical to a law held valid by the Supreme Court in *Casey*, by this court in *Karlin*, and by the Fifth Circuit in *Barnes*. No court anywhere in the country (other than one district judge in Indiana) has held any similar law invalid in the years since *Casey*. . . . Indiana (like Pennsylvania and Wisconsin) is entitled to put its law into effect and have that law judged by its own consequences.

That was the circuit court overturning Judge Hamilton. It seems to me that Judge Hamilton went out of his way to make his finding and actually block the Indiana law. That is not the proper role of a judge.

In addition, Judge Hamilton has shown hostility against the expression of religion in the public square. In two prominent cases, he ruled against public prayer in the State legislature and religious displays in public buildings, and in both cases he was reversed. In the case of *Hinrichs v. Bosma*, Judge Hamilton enjoined the speaker of the Indiana house of representatives from permitting sectarian prayer. Judge Hamilton ruled that the Indiana State legislature was prohibited from starting its session with prayers, specifically those that expressly mentioned Jesus Christ, but that it would be permissible for a prayer to mention Allah. The Seventh Circuit overturned Judge Hamilton's decision in *Hinrichs*, and subsequently the Indiana house passed a resolution 85-to-0 opposing Judge Hamilton's ruling.

Then in *Grossbaum v. Indianapolis-Marion County Building Authority*, Judge Hamilton ruled that a county could prohibit the display of a menorah in a nonpublic forum. The Seventh Circuit unanimously reversed Judge Hamilton, noting that the judge disregarded relevant Supreme Court precedent to reach his ruling and that he failed to recognize a rabbi's first amendment right to display the menorah as symbolic religious speech.

Judge Hamilton also ignored clear statutory mandate so he could impose

his own personal beliefs when sentencing criminal defendants. Example: In the 2008 case *U.S. v. Woolsey*, Judge Hamilton disregarded an earlier conviction in order to avoid imposing a life sentence on a repeat drug offender. The Seventh Circuit reversed the decision, admonishing Judge Hamilton, specifically stating that he was "not free to ignore" prior conviction because "statutory penalties for recidivism . . . are not optional, even if the court deems them unwise or an inappropriate response to repeat drug offenders."

In another case, *U.S. v. Rinehart*, Judge Hamilton used his court opinion to request clemency for a police officer who pled guilty to two counts of producing child pornography. In this case, the police officer had engaged in and videotaped "consensual" sex with two teenagers.

In addition, in writings and speeches, Judge Hamilton has indicated that he approves of the concept that judges should make policy from the bench. For example, he has embraced President Obama's empathy standard, a standard so radical that even the new Supreme Court Justice Sotomayor had to rebuke it at her confirmation hearings. In response to written questions for his confirmation hearing, Judge Hamilton answered this way:

Federal judges take an oath to administer justice without respect to persons, and to do equal right to the poor and to the rich. Empathy—to be distinguished from sympathy—is important in fulfilling that oath. Empathy is the ability to understand the world from another person's point of view. A judge needs to empathize with all parties in cases—plaintiff and defendant, crime victims and accused defendant—so that the judge can better understand how the parties came to be before the court and how legal rules affect those parties and others in similar situations.

To empathize with the parties is not the proper role of a judge. Rather, the proper role of a judge is to apply the law to the facts in an impartial manner, and that is what we refer to as blind justice.

Further, in a 2003 speech, Judge Hamilton endorsed the idea that the role of a judge includes "writing footnotes to the Constitution" through evolving case law. He said:

Judge S. Hugh Dillin of this court has said that part of our job here as judges is to write a series of footnotes to the Constitution. We all do that every year in cases large and small.

Oddly enough, the last time I checked, it was the role of Congress to write laws, not the judicial branch. Judge Hamilton's personal bias has been noted by lawyers who practice before him. In fact, statements of local practitioners in the *Almanac of the Federal Judiciary* described Judge Hamilton as "the most lenient of any judges in the district." Another quote: "One of the more liberal judges of the district." Another quote: "Goes out of his way to make the defendant comfortable." Another quote: "He is your

best chance for downward departures.” Lastly, “in sentencing, he tends to be very empathetic to the downtrodden, or to those who commit crimes due to poverty.”

Contrary to how the White House has tried to characterize Judge Hamilton, I believe that the record amply demonstrates that Judge Hamilton is an activist judge. He has taken radical positions, and a number of his rulings indicate that Judge Hamilton will impose his own personal beliefs and values in cases. We should not promote an individual whose track record clearly demonstrates that he will carry out an outside-of-the-mainstream personal agenda on the Federal appeals court. For these reasons, I will oppose the nomination of Judge Hamilton to the Seventh Circuit. If he was going to serve on a circuit, as many times as he has been overruled, it would be more appropriate for him to be on the Ninth Circuit, where a lot of those decisions on appeal are overturned by the Supreme Court—about 9 times out of 10.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEBT

Mr. LEMIEUX. Mr. President, the clock has struck 12 on a \$12 trillion debt. Like Cinderella when she was revealed when the clock struck 12, this Congress is now revealed—revealed for the problem it has in spending more than we can afford. We are being a body and an institution that spends money without thinking about the future of this great country. It spends the money of our children and our grandchildren.

It took this country 193 years to spend a trillion dollars and to get a trillion dollars into debt. We are now \$12 trillion into debt as of today. That \$12 trillion is the equivalent of \$40,000 per person, \$107,000 per household. This is what American families are now responsible for, because unlike American families who sit around their kitchen tables and try to make ends meet, and unlike the States that have to balance their budgets, this Congress spends more than it has. There is no evaluation in this Congress about how much money is being taken in versus how much money we spend.

Instead, we raised this year \$1.4 trillion in debt, more debt in a single year than the past 4 years combined.

Outside this Chamber, outside the main entrance, is a clock, called the Ohio Clock—the fabled clock that has been in this institution for more than a hundred years. It stands there to tell the time. I suggest that standing next to that clock should be the debt clock to remind the Members of this Senate, and perhaps our friends in the House, that we are spending money we cannot afford to spend, and it is risking the future of our children and grandchildren.

As you know, I have three small boys, Max, Taylor, and Chase, 6, 4, and 2, and a baby on the way. We worry for their future—just like Americans across this country and my fellow Floridians are worrying for the future of their children. How can we afford this and continue to spend more than we have?

I have been coming to the floor weekly to talk about the various appropriation bills I have been voting on—and, frankly, voting against—because they spend more and more of the people’s money and put this country further into debt.

Today, we have marked this occasion with \$12 trillion in debt—an amount of money that is hard to fathom, an amount of money that is so large it is hard to comprehend. But we know that every family in America is now responsible—every household—for \$107,000. That debt now rides upon their shoulders.

In a week—perhaps even this week—Democrats in the Chamber are going to introduce a health care reform bill that is estimated to spend another \$1 trillion. This bill will raise taxes, cut Medicare, and increase premiums—another large governmental program, when we cannot afford the programs we have. We should focus on spending the money we have, spending it more efficiently and effectively, before we go on to create a new program, a new bureaucracy, and more obligations than we can afford.

The Congressional Budget Office estimates that the health care plan being brought forth by the Democrats in this Chamber will spend 24.5 percent of GDP, 19 percent in revenue only. So we have 19 percent in revenue, but 24.5 percent of GDP, which is a huge unsustainable gap. It was recently reported that the deficit for October alone is \$176 billion—\$26 billion more than estimates by economists. In fact, the debt increased by \$40 billion just over this past weekend.

Our spending is out of control. The Federal Government does not recognize it. This Congress cannot afford the programs it has, let alone the programs it wants. So I am here to sound the alarm. I could not let this day pass as we hit this \$12 trillion mark in national debt.

I look forward to coming back to the floor to explain again and again to the American people that this is a problem that must be solved. We cannot continue to spend our children’s and grandchildren’s future.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IN PRAISE OF ANN AZEVEDO

Mr. KAUFMAN. Mr. President, I rise once more to honor an outstanding Federal employee.

Next week, American families will gather around dinner tables in celebration of Thanksgiving.

Thanksgiving is a time for coming together. In earlier ages, members of an extended family usually resided in close proximity to one another. Today, however, the typical American family is spread across the country, with members far in distance even if close in spirit.

Americans of all backgrounds and from all walks of life will be travelling long distances to be with their loved ones. It is no wonder that Thanksgiving weekend is one of the busiest travel periods of the year.

Tens of millions of us will be driving, flying, and taking trains or ferries next week. For some it will be stressful, for others exciting. Most, though, will do it without even realizing how much work goes into keeping American travelers safe.

The Department of Transportation employee whose story I will share today has been instrumental in ensuring the safety of those who travel. But before I tell you about this outstanding public servant, I want to reflect on how important transportation is for America.

From its humble beginnings, ours has been a Nation on the move. In George Washington’s day, their mercantile spirit drove our founding generation to dig canals and clear roads across the Appalachians. Steamships and railroads fueled the expansion across the West and helped close the frontier. Air travel in the last century brought every corner of our 50 States ever closer and opened new opportunities for the growth of business and tourism.

This march of progress in transportation technology has not been a smooth ride. When the railroads were new, train wrecks were fairly common. In fact, President-Elect Franklin Pierce was en route to Washington for his inauguration when his train derailed, tragically killing his 11-year-old son.

Travel by ferry or steamship on our rivers and lakes was far from safe in those days. For pioneer families, roads were often impassible during winter-time, and many lost their lives just trying to get to the West. While air travel is the safest form of transportation in our day, it was not always the case.

Making sure that our Nation’s “planes, trains, and automobiles” are safe remains one of our highest priorities. My home State of Delaware, like every other State—like Montana—depends on a top-notch transportation infrastructure to facilitate economic activity, moving people and goods across markets.

Travel can and should be a safe and fun experience. No one should ever have to worry that the vehicles on our roads, rails, rivers, or in our skies are unsafe. That is where the hardworking men and women of the Department of

Transportation excel. They set and enforce regulations upholding the strictest standards in transportation safety.

The great Federal employee I have chosen to recognize this week has been a leader on safety issues at the Transportation Department's Federal Aviation Administration for 12 years.

Ann Azevedo came to the department in 1997 with nearly two decades of experience in the private sector. Working from the FAA facility in Burlington, MA, when she first started at the FAA, Ann served as the risk analysis specialist for the Engine and Propeller Directorate.

In her current role as chief scientific and technical adviser for aircraft safety analysis, Ann focuses on safety, risk management, and analyzing accidents. From the data she gathers, Ann is able to develop solutions to help prevent future incidents.

Regularly representing the FAA at national and international air safety round-tables, Ann has become a respected voice among those engaged in risk management analysis. She helped write the training manuals for turbofan and turboprop aircraft used across the industry, and she continues to teach risk analysis at the FAA Academy.

Ann holds a bachelor's degree in systems planning and management in applied mathematics and a master's of science in mechanical engineering. When she was once asked how she ended up in her chosen career field, Ann cited her love of math and an influential physics teacher in high school.

Ann was awarded the Arthur S. Flemming Award for public service in 2002 for developing safety solutions that resulted in a 64 percent decrease in the commercial aviation fatality rate between 1998 and 2002. She also was honored as Distinguished Engineer of the Year by the American Society of Mechanical Engineering in 1996.

Her work, and that of all her colleagues at the FAA and other Transportation Department agencies, helps ensure that travel in our country continues to be as safe as possible.

Most importantly, they facilitate the smiles of those arriving safely at a journey's end and seeing their loved ones for the first time after weeks, months, or even years apart.

That remains a central element of Thanksgiving, and I hope all Americans will join me in thanking Ann Azevedo and all the men and women of the Department of Transportation for their hard work keeping American travelers safe.

They keep us, whether on the road, on the rails, at sea, or in the sky, moving ever forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FORT HOOD ATTACK

Mr. FEINGOLD. Mr. President, it is with great sadness that I wish to remember victims of the horrific shootings at Fort Hood. This was a senseless attack on innocent people who were serving their country. To know that these people, 12 servicemembers and 1 civilian, were taken from their families in this way is very difficult to accept. I join with people across the country in mourning these tragic deaths. My thoughts are with each and every one of their families.

As a Senator from Wisconsin, I do feel a special duty to remember the two Wisconsinites who were killed. Both were extraordinary members of our Armed Forces, and their deaths are a terrible blow to all who knew them, and to our State. Wisconsin takes so much pride in its long tradition of military service, and in the Wisconsinites who serve so bravely in the Armed Forces today. Wisconsin has already lost so many servicemembers in recent years—90 in Operation Iraqi Freedom and 12 in Operation Enduring Freedom. We recently honored our veterans by celebrating Veterans Day, and we are thinking of these men and women and the sacrifice they made, so to suffer these additional losses at this time is simply tragic.

SSG Amy Krueger from Kiel, WI, and CPT Russell Seager from Mount Pleasant, WI, were both outstanding servicemembers, and their families and communities are heartbroken by their deaths.

Staff Sergeant Krueger, who was just 29, joined the Army after the 2001 terrorist attacks. She had deployed previously to Afghanistan in 2003 and helped soldiers dealing with combat stress. Staff Sergeant Krueger arrived at Fort Hood on November 3 and was scheduled to be redeployed to Afghanistan in December. She graduated from Kiel High School in 1998 and was very proud to serve her country. About 500 family and friends gathered recently at the Veterans Memorial Park in Kiel to remember and pay tribute to Sergeant Krueger.

CPT Russell Seager, 47, was a registered nurse and advanced practice nurse prescriber who was with the primary care mental health integration program at Zablocki VA Medical Center in Milwaukee. He also taught classes at Bryant and Stratton College in Milwaukee. As part of the combat stress control unit, Seager was tasked

with watching for warning signs among soldiers on the front lines that could signal long-term mental health problems. He is survived by his wife and adult son.

It is so tragic to think that these two people, who were trained to help fellow servicemembers cope with the stress of combat, were struck down when their help is needed the most. These servicemembers are really unsung heroes of our military today—the men and women who help other servicemembers deal with post traumatic stress disorder, which has skyrocketed since the start of the wars in Iraq and Afghanistan. Both Staff Sergeant Krueger and Captain Seager were truly selfless people who helped their fellow servicemembers through some very tough times. Both were part of the 467th Medical Detachment, which is based in Madison, WI. It is an outstanding unit doing much-needed work, and it is terrible that the unit suffered these losses.

I also want to say a few words about the four Wisconsinites who were injured at Fort Hood. At the recent memorial at Fort Hood, which was such a moving tribute to those who were killed, I had the privilege of meeting Specialist John Pagel, 28, of North Freedom, WI, who was also with the 467th Medical Detachment. Specialist Pagel is married and has two children.

I also had the privilege of meeting SPC Grant Moxon, 23, of Lodi, WI, another member of the 467th, who is a mental health specialist. Specialist Moxon graduated from UW-La Crosse. He joined the military just last year and had arrived in Texas one day before the shooting incident.

Both Sergeant Pagel and Specialist Moxon were shot but are now both doing well.

CPT Dorothy "Dorrie" Carskadon, 47, of Madison, WI, is also a member of the 467th. Carskadon fought with the Army in Iraq during Operation Desert Storm and then enlisted in the Army Reserve 2 years ago. She is a clinical social worker with the U.S. Army Reserve. She was set to deploy to Iraq to counsel troops suffering from PTSD. She was shot twice in the hip and underwent an all-night surgery. Fortunately, she is expected to make a full recovery.

Army PFC Amber Bahr, 19, of Random Lake, WI, with the 187th medical battalion, has been at Fort Hood for a year working as an Army nutritionist. She was scheduled to deploy for the first time in January. In the midst of the shootings, Bahr was putting a tourniquet onto another soldier and helping him out of harm's way before she discovered that she was shot herself. She was released Friday night from the hospital.

I think the conduct of Private First Class Bahr, and everyone at the base who responded to the attack with such heroism, says volumes about the men and women who serve today. I am so proud of them, and so profoundly saddened by this attack. As the nation grieves, we offer heartfelt thanks to all

the brave servicemembers who so selflessly serve our country.

I yield the floor.

#### VOTE EXPLANATIONS

Mr. ISAKSON. Mr. President, I was unavoidably detained and not present for rollcall vote No. 341 on November 5, 2009, rollcall votes Nos. 342 and 343 on November 9, 2009, and rollcall votes Nos. 344 and 345 on November 16, 2009. I ask that the record reflect that had I been present I would have voted as follows: 1. Rollcall vote No. 341 on the confirmation of Ignacia S. Moreno, of New York, to be an Assistant Attorney General: "yea"; 2. Rollcall vote No. 342 on the confirmation of Andre M. Davis of Maryland, to be U.S. Circuit Judge for the Fourth Circuit: "nay"; 3. Rollcall vote No. 343 on the confirmation of Charlene Edwards Honeywell, of Florida, to be U.S. District Judge for the Middle District of Florida: "yea"; 4. Rollcall vote No. 344 on the Coburn amendment No. 2757, to require public disclosure of certain reports: "yea"; and 5. Rollcall vote No. 345 on the Coburn motion to commit H.R. 3082 to the Committee on Appropriations; Military Construction and Veterans Affairs Appropriations Act, 2010: "yea".

#### FEED AMERICA DAY

Mr. UDALL of New Mexico. Mr. President, I am pleased to have worked with Senator HATCH, and my other colleagues in the Senate to unanimously pass the Feed America Day resolution.

Over the past several years, States, cities, and communities throughout the country have declared the Thursday before Thanksgiving as Feed America Day. In observance of this day, citizens are encouraged to sacrifice two meals and donate the money they would have spent on food to a local religious or charitable organization for the purpose of feeding the hungry.

As the economic downturn has struck our nation, employment rates have dropped and more and more families have had to turn to food banks and other emergency food services to meet their day-to-day needs. Our emergency food providers are being stretched to their limits to try to meet the current demand for assistance. Vicki Metheny, a constituent of mine who has run the food bank in San Juan County, NM for the last 18 years, told my office earlier this week that this is the first time in her years of service that she has been really worried about whether the food bank will be able to keep up with the unprecedented need in local communities. A similar message is coming from food pantries and emergency food providers across the country.

As we approach the Thanksgiving festivities, it is my hope that individuals will take the time to think of those in their community who may be struggling to keep food on the table. To miss a few meals and make a modest donation to a local food pantry is a

small thing, but if many of us join together in this effort, we can have a large impact. And a large impact is what we must have if we are to keep our families and food pantries afloat this year.

According to the U.S. Department of Agriculture, last year more than 49 million Americans, including almost 17 million children, live in households with either "low" or "very low" food security, meaning that these households cannot keep healthy food on the table without the assistance of Federal programs or local emergency food providers. In my home State of New Mexico, food insecurity impacts over 14 percent of the population.

There are many efforts underway at the Federal level and at the local level to build up the economy and create opportunities for families to become more financially stable. This resolution is just one reminder that there is a need for assistance in each of our communities, and that each of us can and should take steps to confront hunger locally.

#### ADDITIONAL STATEMENTS

##### HONORING JERRY AND ANITA ZUCKER

• Mr. GRAHAM. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant and leader, Jerry Zucker. I also ask that we pay tribute to Jerry's wife Anita. After a lifetime of unprecedented service to his State and Nation as a businessman and philanthropist, Mr. Zucker passed away in Charleston, SC, on April 12, 2008, at the age of 58. His death was a loss to Charleston and the Nation.

While he will be remembered by most as a successful businessman, I will remember him as a larger-than-life figure who donated generously and quietly to many causes. Born in Tel-Aviv, Isreal, Mr. Zucker came to the United States with his family in 1952. He grew up in Charleston, SC, and Jacksonville, FL, and graduated from the University of Florida with a triple major in mathematics, chemistry, and physics. He later received a masters in electrical engineering from Florida State University in Tallahassee, FL. Zucker was a scientist and inventor before becoming a businessman. Over his lifetime he had more than 350 inventions and patents, including his development of the pacemaker.

In 1983, he founded the InterTech Group, a global conglomerate specializing in fabrics and plastics for a range of uses. As founder, chairman, and chief executive officer of the company, he helped grow the InterTech Group into one of the country's largest privately held businesses. Jerry was also CEO of Toronto-based Hudson's Bay Company, Canada's largest department store chain. He was the first American citizen to lead the company. After his

death, Anita took over as chairwoman and chief executive officer of Hudson's Bay Company. She became the first woman to hold the position in the company's 338-year history.

Jerry is greatly admired for what he did outside of the business world. Jerry was a humble philanthropist. He gave millions of dollars to a wide range of charities, from his synagogue in Charleston to international medical missions. Anyone who reached out to him for help never went away with an empty hand. And for every charitable check Zucker wrote, he invested numerous behind-the-scene volunteer hours. He quietly and unassumingly delivered goodie baskets to holiday volunteers, helped the local Boy Scouts of America's Coastal Carolina Council, and served as chairman of the South Carolina Aquarium. Because of his impact on the Charleston community, North Charleston recently dedicated their newest middle school to Zucker's memory, naming it the Jerry Zucker Middle School of Science.

Together with his wife Anita, he is celebrated in South Carolina and around the Nation for his philanthropic and community endeavors, as well as quiet leadership. His personal mission was "repairing the world," which he implied to be a work in progress. I am confident Anita will continue this mission. Through Anita and the Zucker Family Foundation, through his countless gifts of wisdom, ingenuity, dollars, and time, Jerry Zucker will continue to repair the world.

I ask that the Senate join me in commemorating Mr. Zucker's lifelong dedication to the service of our country and to the State of South Carolina. The best tribute we can give to Jerry is to continue his vision and follow in his humble footsteps.●

##### SIX BRAVE OKLAHOMANS

• Mr. INHOFE. Mr. President, I would like to take a moment to recognize the courageous actions of six brave Oklahomans. On August 25, 2009, in the evening hours of the day, these six men, Daniel Richards, David Cox, Nick Niemann, Cody Click, Luck Tucker, and Casey Johnson, saved a life. That evening a call came in about a man having severe chest pains and possibly a heart attack at a residence in a rural area east of the town of Roland, OK. Roland Fire Department first responders were paged to respond, and upon their arrival they found a male subject lying on the ground not breathing. The six first responders immediately started CPR and hooked the individual up to an automated external defibrillator and delivered a resuscitating shock from the AED. The first responders continued CPR and working with the patient for 12 minutes until an EMS unit arrived on scene. When the patient was placed in the ambulance he was breathing and had a pulse. The patient was transported to Spark's Medical Center in Fort Smith, AR, where the

emergency room doctor stated that the “firefighters saved this man’s life.” The patient needed to have a stint placed in the main artery of the heart and suffered some-short term memory loss, but he recovered and went home from the hospital in about 7 days. These men are true heroes. The town of Roland, the State of Oklahoma, and I are extremely thankful to them for their service and honored to have them serving one of Oklahoma’s finest communities.●

#### TRIBUTE TO ROBERT ALTMAN

● Mr. NELSON of Florida. Mr. President, today I honor the life and service of SGT Robert Altman, United States Army. Sergeant Altman is a member of the greatest generation that selflessly served our Nation during a time of perhaps the world’s greatest turmoil.

He risked his life and endured almost unbearable pain and suffering as a prisoner of the Japanese during World War II.

He gave so much—so that all of us might be free.

Sergeant Altman was a crew member on a B-17 stationed at Clark Field in the Philippines. It was just 3 days after the attack on Pearl Harbor that his bomber, commanded by another Floridian, CPT Colin P. Kelly, Jr., loaded three 600-pound bombs and took off with orders to attack airfields on what is now Taiwan.

On the way, the crew spotted a large Japanese invasion force landing on the north coast of Luzon in the Philippines.

Captain Kelly radioed Clark Field for permission to attack. But two calls brought only a response to stand by. Kelly and the crew made two practice runs at 20,000 feet, and then the bombardier released the bombs in a line from the carrier’s stern to its bow. According to Sergeant Altman, two of the three bombs bracketed the ship; one was a direct hit. The enemy boat began to sink and was scuttled by its captain.

On the way home to Clark Field, their lone B-17 was attacked and set aflame by Japanese Zeros. Kelly stayed with the plane long enough to allow everyone else to bail out, before he went down within miles of the airfield. Captain Kelly’s body was found near the site.

Sergeant Altman suffered serious injuries and soon after was offered a flight to safety. But he turned it down believing he could better serve his country by staying. He was subsequently captured and taken to Japan, where he was held as a POW for 40 months. During that time, he was forced into slave labor for the Japanese until his release from Omori Prison, Tokyo Bay on August 29, 1945.

But it was the early report of his and his crew’s heroism in that attack after Pearl Harbor that inspired a nation reeling in shock. Alone and far from friendly territory, Sergeant Altman and his fellow heroes served their country well.

Today, Bob is an avid Florida Gator fan and I will have the honor of presenting him this statement before the game on November 21. Captain Kelly’s younger sister, Emmy, and her children, Mary and Colin, will be there, too.

I would hope Bob gets to see many more games. Today, I send best wishes from the U.S. Senate to SGT Robert Altman and his family and friends, including the family of CPT Colin P. Kelly, Jr.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 10:13 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1506. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

H.R. 3539. An act to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the “Patricia D. McGinty-Juhl Post Office Building”.

H.R. 3767. An act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the “W. Hazen Hillyard Post Office Building”.

The message also announced that the House passed the following bills, without amendment:

S. 1314. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the “Dr. Martin Luther King, Jr. Post Office”.

S. 1825. An act to extend the authority for relocation expenses test programs for Federal employees, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3539. An act to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the “Patricia D. McGinty-Juhl Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3767. An act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the “W. Hazen Hillyard Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3628. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the implementation of earned value management (EVM); to the Committee on Armed Services.

EC-3629. A communication from the Deputy Secretary of Defense, transmitting the report of (3) officers authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3630. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Defense Information Systems Agency in fiscal years 2003 and 2004, and has been assigned Defense Systems Information Systems Agency case number 06-01; to the Committee on Appropriations.

EC-3631. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-3632. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-3633. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Technical Amendment of Cross-Media Electronic Reporting Rule” (FRL No. 8980-7) received in the Office of the President of the Senate on November 10, 2009; to the Committee on Environment and Public Works.

EC-3634. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule—Amendments” (FRL No. 8979-8) received in the Office of the President of the Senate on November 10, 2009; to the Committee on Environment and Public Works.

EC-3635. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Tier I Field Directive—The Use of Estimates from Probability Samples” (LMSB-4-0809-032) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Finance.

EC-3636. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Director's Directive No. 2—Super Completed Contract Method" (LMSB-4-0209-006) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Finance.

EC-3637. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2009-88) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Finance.

EC-3638. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Regulations Under Section 411(b)(5)(B)(i); Relief Under Section 411(d)(6); and Notice to Pension Plan Participants" (Announcement 2009-82) received in the Office of the President of the Senate on November 13, 2009; to the Committee on Finance.

EC-3639. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Withholding on Wages of Nonresident Alien Employees Performing Services Within the United States" (Notice 2009-91) received in the Office of the President of the Senate on November 16, 2009; to the Committee on Finance.

EC-3640. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of August 15, 2009, through October 15, 2009; to the Committee on Foreign Relations.

EC-3641. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Australia relative to the manufacture and service of F/A-18 Trailing Edge Flaps, Trailing Edge Flap Shrouds, Ailerons, and Aileron Shrouds and their associated minor components and parts in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3642. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan relative to the overhaul and manufacture of SIIS-3XT4/T4 ejection seats for the XT4/T4 trainer aircraft in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3643. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad relative to the Laser Target Designator/Range Finders and Gated Laser illuminators for Night Television for the AC-130U Gunship for end-use by the United States of America; to the Committee on Foreign Relations.

EC-3644. A communication from the Assistant Secretary, Bureau of Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad relative to the manufacture of Modified 20mm 102mm PELE Ammunition for end-use by the United States of America; to the Committee on Foreign Relations.

EC-3645. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad relative to the manufacture of the GAU-19 Gun for end-use by the United States of America; to the Committee on Foreign Relations.

EC-3646. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad relative to the modification CH-47SD Chinook Helicopters to the CH-47F configuration for end-use by Singapore in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3647. A communication from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Revising Standards Referenced in the Acetylene Standard; Final Rule" (RIN1218-AC08) received in the Office of the President of the Senate on November 10, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3648. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Institutions and Lender Requirements Relating to Education Loans, Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program" (RIN1840-AC95) received in the Office of the President of the Senate on November 10, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3649. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drug Applications" (Docket No. FDA-2009-N-0436) received in the Office of the President of the Senate on November 10, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3650. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2008 Medical Device User Fee and Modernization Act of 2002 (MDUFMA) Financial Report"; to the Committee on Health, Education, Labor, and Pensions.

EC-3651. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, a report entitled "Federal Election Commission 2009 Performance and Accountability Report"; to the Committee on Homeland Security and Governmental Affairs.

EC-3652. A communication from the Acting Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation's Annual Management Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3653. A communication from the Acting General Counsel, National Indian Gaming

Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Various National Indian Gaming Commission Regulations" (RIN3141-0001) received in the Office of the President of the Senate on November 12, 2009; to the Committee on Indian Affairs.

EC-3654. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to the vacancy in the position of Principal Deputy Director of National Intelligence, received in the Office of the President of the Senate on November 13, 2009; to the Select Committee on Intelligence.

EC-3655. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands" (RIN1125-AA67) received in the Office of the President of the Senate on November 12, 2009; to the Committee on the Judiciary.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

\*James LaGarde Hudson, of the District of Columbia, to be United States Director of the European Bank for Reconstruction and Development.

\*Jose W. Fernandez, of New York, to be an Assistant Secretary of State (Economic, Energy, and Business Affairs).

\*Frederick D. Barton, of Maine, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

\*Daniel W. Yohannes, of Colorado, to be Chief Executive Officer, Millennium Challenge Corporation.

\*Gustavo Arnavat, of New York, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

\*Frederick D. Barton, of Maine, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

\*Robert R. King, of Virginia, to be Special Envoy on North Korean Human Rights Issues, with the rank of Ambassador.

\*William E. Kennard, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: William E. Kennard.

Post: Chief of Mission—USEU.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$2300, 2/27/07, Obama for America; —\$2300, 2/27/07, Obama for America; \$2300, 2/27/07, Obama for America; \$2300, 3/29/07, Obama for America; —\$2300, 3/29/07, Obama for America; \$2300, 3/29/07, Obama for America; \$1000, 9/28/07, Udall for Colorado; \$2300, 9/30/07, Chris Dodd for President; \$5000, 11/30/07,

DNC Campaign; \$500, 5/22/08, Friends of Jay Rockefeller; \$1000, 6/16/08, Patrick Murphy for Congress; \$250, 6/30/08, Brad Miller for U.S. Congress; \$28500, 6/30/08, Obama Victory Fund-DNC; \$2000, 8/26/08, Richard Neal for Congress; \$5000, 9/26/08, Democratic Senatorial Campaign Committee; \$1000, 10/3/08, Committee for Change; \$500, 10/24/08, Patrick Murphy for Congress.

2. Spouse: Deborah Kennedy; \$2300, 6/18/07, Obama for America; \$2300, 3/27/07, Obama for America.

3. Children and Spouses: Robert James Kennard; \$0.

4. Parents: Helen Z. Kennard; \$0; Robert A. Kennard-Deceased.

5. Grandparents: James L. Kennard-Deceased; Marie Kennard-Deceased; Arthur King-Deceased; Grace D. King-Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Lydia H. Kennard; \$250, 3/5/08, Woodrow Myers, candidate For U.S. Congress from Indiana; Sammi Reeves (brother in-law); \$2300, 12/7/07, Romney for President; \$500, 4/19/09, Gary Miller for Congress; Gail M. Kennard; \$30, 11/12/08, Democratic National Committee; \$25, 10/16/08, Obama for America; \$25, 10/8/09, Obama for America; \$25, 8/25/08, Obama for America; \$25, 7/17/08, Obama for America; \$25, 5/29/08, Obama for America; \$25, 3/26/08, Woodrow Myers, candidate for U.S. Congress from Indiana; \$25, 3/6/08, Obama for America; \$50, 2/18/09, Obama for America.

\*Carmen Lomellin, of Virginia, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Nominee: Carmen Lomellin.

Post: Ambassador, U.S. Permanent Representative to the Organization of American States.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$500, 3/31/2006, Menendez for Senate; \$1,000, 12/27/07, Hillary Clinton for President; \$250, 12/13/2007, Hillary Clinton for President; \$800, 1/27/2008, Hillary Clinton for President; \$1,000, 3/20/2008, Udall for Us All; \$250, 07/28/2008, Judy Feder for Congress; \$250, 08/12/2008, Poder PAC; \$250, 09/12/2008, Poder PAC; \$250, 10/12/2008, Poder PAC; \$250, 11/12/2008, Poder PAC; \$250, 10/24/2008, and Obama Victory Fund.

1. Spouse: None.

1. Children and spouses: None.

2. Parents: Vincent M. Lomellin-Deceased; Esther Lomellin-Deceased.

3. Grandparents: Florentino Martinez-Deceased; Elvira Martinez Garcia-Deceased; Jesus Lomellin-Deceased; Susana Lucio Lomellin-Deceased.

4. Brothers and spouses: David Lomellin—No spouse, None.

5. Sisters and Spouses: Theresa Muñoz, None; David Muñoz, None; Martha Gonzalez, None; R. Luis Gonzalez, \$1,000, 7/23/07, Bill Richardson for President; Lucia Lomellin, None; Martin Nava, None.

\*Cynthia Stroum, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Nominee: Cynthia Stroum.

Post: Ambassador to Luxembourg.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the in-

formation contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Cynthia Stroum: -\$1,000, 09/24/09, Democratic National Committee (refunded 02/19/08 contribution); 250, 05/29/09, Citizens For Arlen Specter; 1,800, 03/06/09, People For Patty Murray U.S. Senate; 10,000, 12/25/08, Presidential Inaugural Committee; 100 10/29/08 Darcy Burner for Congress; 1,000, 08/04/08, Friends of Rahm Emanuel; 500, 07/10/08, Darcy Burner for Congress; 1,500, 06/21/08, AIPAC (paid by Stroum Enterprises); 28,500, 05/28/08, Democratic White House Victory Fund (see below); Democratic National Committee (rcvd funds); 1,000, 05/12/08, Adam Smith for Congress; 1,000, 03/11/08, Friends of Maria (Cantwell 2006); 1,000, 02/23/08, Insee for Congress; 1,000, 02/19/08, Democratic National Committee; 250, 02/18/08, Tester for U.S. Senate; 70, 11/18/07, AIPAC; 1,000, 11/13/07, People For Patty Murray U.S. Senate; 1,000, 11/15/07, Democratic National Committee; 5,000, 06/14/07, Democratic Senatorial Campaign Committee; 1,500, 05/24/07, AIPAC (paid by Stroum Enterprises); 1,000, 04/04/07, Friends For Barbara Boxer; 2,500, 03/29/07, Obama For America; 500, 03/25/07, People For Patty Murray U.S. Senate; 2,300, 03/01/07, John Edwards for President; 2,100, 01/16/07, Obama For America (Exploratory Committee); 500, 10/25/06, Washington State Democratic Central Committee (Victory 2006); 65, 10/23/06, AIPAC; 250, 10/12/06, Adam Smith for Congress; 100, 09/29/06, Darcy Burner for Congress; 1,500, 09/11/06, AIPAC (paid by Stroum Enterprises); 5,000, 07/31/06, Washington State Victory (see below); Washington State Democratic Central Committee (rcvd funds); 1,000, 03/31/06, Stabenow for Senate; 1,000, 03/21/06, People For Patty Murray U.S. Senate; 1,000, 03/20/06, Hopefund; 1,000, 01/24/06, Friends of Hillary (Senate 2006); 2,000, 12/11/05, Friends of Joe Lieberman; 250, 11/07/05, Citizens For Harkin; 250, 10/26/05, Friends for McDermott; 1,500, 09/14/05, AIPAC (paid by Stroum Enterprises); 65, 09/13/05, AIPAC; 55, 09/01/05, AIPAC; 500, 05/07/05, People For Patty Murray U.S. Senate; 5,000, 03/23/05, Washington Senate 2006 (see split below); Democratic Senatorial Campaign Committee \$3,800; Friends of Maria (Cantwell Senate 2006) \$1,200.

2. Spouse: None.

3. Children and Spouses: Courtney Stroum Meagher; 2,300, 08/21/07, Obama For America.

4. Parents: Samuel N. Stroum-Deceased; Althea Stroum; 1,000, 06/09/08, Obama For America; 500, 10/20/06, Friends of Maria Cantwell; 1,000, 12/06/05, Friends of Maria Cantwell; 500, 12/01/05, Friends of Joe Lieberman.

5. Grandparents: Nathan Stroum-Deceased; Ethel Stroum-Deceased; George Diesenhaus-Deceased; Esther Diesenhaus-Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Marsha Glazer; 2,300, 01/08/08, Obama For America; 2,300, 01/08/08, Obama For America; Jay Glazer; 13,500, 10/02/08, DNC Services Corporation/DNC; 13,500, 10/02/08, Obama Victory Fund; 15,000, 09/30/08, Committee For Change; 1,042, 09/30/08, Georgia Federal Elections Committee; 1,330, 09/30/08, North Carolina Democratic Party-Federal; 969, 09/30/08, Indiana Democratic Congressional Victory Committee; 15,000, 09/23/08, Obama Victory Fund; 15,000, 09/23/08, DNC Services Corporation/DNC; 4,600, 01/01/08, Obama For America; 2,000, 10/31/06, Democratic Congressional Campaign Committee.

\*Michael C. Polt, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

Nominee: Michael C. Polt.

Post: Tallinn, Estonia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: 0.

2. Spouse: 0.

3. Children and Spouses: Nicholas M. Polt; Lindsay M. Polt; 0.

4. Parents: Karl H. Polt (deceased); Margaret R. Reed; 0.

5. Grandparents: Adalbert Riedl (deceased); Theresia Riedl (deceased); Karl Polt (deceased); Maria Polt (deceased); 0.

6. Brothers and Spouses: None; 0.

7. Sisters and Spouses: Martina C. Polt; 0.

\*John F. Tefft, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Nominee: John Francis Tefft.

Post: Ukraine.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Mariella C. Tefft: None.

3. Children and Spouses: Christine M. Tefft: \$100, 2008, Obama/Biden Campaign; Cathleen M. Tefft: None; Andrew Horowitz: None.

4. Parents: Floyd F. Tefft-Deceased; Mary J. Tefft-Deceased.

5. Grandparents: Floyd B. Tefft-Deceased; Lucy B. Tefft-Deceased; James Durkin-Deceased; Julia Durkin-Deceased.

6. Brothers and Spouses: Thomas M. Tefft: None; Julie C. Tefft: None; James F. Tefft: None; Victoria Tefft: None.

7. Sisters and Spouses: Patricia M. Tefft-Deceased; Sheila L. Tefft: None; Rajiv Chandra: None.

\*David Huebner, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Samoa.

Nominee: David Huebner.

Post: Ambassador to New Zealand and Samoa.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: N/A.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Elizabeth P. Huebner, None; David Huebner, None.

5. Grandparents: N/A; deceased.

6. Brothers and Spouses: Richard L. Huebner, none; Christie Huebner, None.

7. Sisters and Spouses: N/A.

\*Peter Alan Prahar, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

Nominee: Peter Alan Prahar.

Ambassador to the Federal States of Micronesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Donee, amount, date, and donee:

1. Self: \$105, 01/31/2005, Democratic National Committee (DNC); \$100, 05/10/2005, Democratic Congressional Campaign Committee (DCCC); \$100, 01/06/2006, DNC; \$100, 01/10/2006, DCCC; \$110, 07/21/2006, DNC; \$100, 01/22/2007, DNC; \$100, 12/17/2007, DNC; \$100, 01/24/2008, DNC; \$100, 08/13/2008, DNC; \$100, 04/13/2009, DCCC.

2. Spouse: Amy Prahar: \$100, 01/22/2009, DCCC; \$100, 04/21/2009, DNC.

3. Father: Louis B. Prahar: None; Mother: Ruth Prahar: Deceased.

4. Father-in-law: Choi Che Wing: None; Mother-in-law: Deceased.

5. Brother: John P. Prahar: None; Sister-in-law: Rista Prahar: None.

6. Sister: Barbara A. Kranick: None; Brother-in-law: Gordon Kranick: None.

7. Sister: Joan E. Prahar: Deceased.

Mr. KERRY, Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

\*Foreign Service nomination of Terence Jones.

\*Foreign Service nominations beginning with Andrea M. Cameron and ending with Aleksandra Paulina Zittle, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 10, 2009.

\*Foreign Service nominations beginning with Laurie M. Major and ending with Maria A. Zuniga, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 17, 2009.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 2780. A bill to amend the Small Business Act to establish a small business intermediary lending pilot program; to the Committee on Small Business and Entrepreneurship.

By Ms. MIKULSKI (for herself, Mr. ENZI, Mr. HARKIN, Mr. BROWN, Mr. CARDIN, Mr. ALEXANDER, Mr. BARRASSO, Mr. BURR, Mr. GREGG, Mr. THUNE, and Mr. DODD):

S. 2781. A bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual

to references to an individual with an intellectual disability; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. McCASKILL (for herself, Ms. COLLINS, Mr. BENNETT, Mr. BROWN, Mr. NELSON of Florida, Mr. LEMIEUX, and Mr. CASEY):

S. 2782. A bill to provide personal jurisdiction in causes of action against contractors of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAYH (for himself, Mr. LUGAR, and Ms. CANTWELL):

S. 2783. A bill to amend the Internal Revenue Code of 1986 to provide incentives for used oil re-refining, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. VOINOVICH):

S. 2784. A bill to amend the Internal Revenue Code of 1986 to permanently extend the estate tax as in effect in 2009, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. FRANKEN):

S. 2785. A bill to provide grants to improve after-school interdisciplinary education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2786. A bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing late fees on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. VITTER, Mr. BENNETT, Mr. INHOFE, Mr. JOHANNIS, Mr. BARRASSO, Mr. GRASSLEY, Mr. CORNYN, Mr. ENSIGN, Mr. CRAPO, Mr. ROBERTS, Mr. ENZI, Ms. MURKOWSKI, Mr. BURR, Mr. COBURN, and Mr. BOND):

S. 2787. A bill to repeal the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself and Mr. McCAIN):

S. 2788. A bill to amend the Military Construction Authorization Act for Fiscal Year 2010 to authorize construction of an Aegis Ashore Test Facility at Pacific Missile Range Facility, Hawaii; to the Committee on Armed Services.

By Mr. VOINOVICH (for himself, Mrs. GILLIBRAND, and Mr. KAUFMAN):

S. 2789. A bill to establish a scholarship program to encourage outstanding undergraduate and graduate students in mission-critical fields to pursue a career in the Federal Government; to the Committee on Finance.

By Mr. DODD (for himself, Mr. HARKIN, Mr. FRANKEN, Mr. BROWN, and Mr. MERKLEY):

S. 2790. A bill to allow Americans to receive paid sick time so that they can address their own health needs, and the health needs of their families, related to a contagious illness; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 456

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 584

At the request of Mr. HARKIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 593, a bill to ban the use of bisphenol A in food containers, and for other purposes.

S. 611

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 611, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 850

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens

Fishery Conservation and Management Act to improve the conservation of sharks.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1147

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1152

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KIRK) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1152, a bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1194

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1194, a bill to reauthorize the Coast Guard for fiscal years 2010 and 2011, and for other purposes.

S. 1317

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1317, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1341

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1341, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain proceeds received on SILO and LILO transactions.

S. 1402

At the request of Mr. MERKLEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1402, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures.

S. 1559

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1559, a bill to consolidate democracy and security in the Western Balkans by supporting the Governments and people of Bosnia and Herzegovina and Montenegro in reaching their goal of eventual NATO membership, and to welcome further NATO partnership with the Republic of Serbia, and for other purposes.

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1612

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1612, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1646

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1646, a bill to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs.

S. 1765

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1765, a bill to amend the Hate Crime Statistics Act to include crimes against the homeless.

S. 1790

At the request of Mr. DORGAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1790, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes.

S. 1792

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to modify the re-

quirements for windows, doors, and skylights to be eligible for the credit for nonbusiness energy property.

S. 1938

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1938, a bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving.

S. 2128

At the request of Mr. LEMIEUX, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 2128, a bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention.

S. 2607

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2607, a bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 to repeal a provision of that Act relating to geothermal energy receipts.

S. 2730

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2730, a bill to extend and enhance the COBRA subsidy program under the American Recovery and Reinvestment Act of 2009.

S. 2755

At the request of Mr. MENENDEZ, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2755, a bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. RES. 334

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 334, a resolution designating Thursday, November 19, 2009, as "Feed America Day".

S. RES. 353

At the request of Mrs. HAGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 353, a resolution supporting the goals and ideals of "American Education Week".

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 2780. A bill to amend the Small Business Act to establish a small business intermediary lending pilot program; to the Committee on Small Business and Entrepreneurship.

Mr. LEVIN. Mr. President, today I introduce the Small Business Intermediary Lending Pilot Program Act of 2009.

As a member of the Small Business and Entrepreneurship Committee I have been concerned about access to affordable financing for small businesses.

The need to help small businesses find flexible credit sources has become more urgent than ever during this economic and credit crisis. The problem is serious. I have heard from numerous small businesses from across Michigan facing serious financial difficulties. Too many creditworthy businesses are having trouble procuring a loan, getting their loans renewed, or are facing higher rates or are having their lines of credit withdrawn altogether. This is happening even when the business never missed a payment.

The difficulty of finding bank financing is both a symptom and a cause of our economic troubles. The crisis that nearly toppled our economy in late 2008 and early 2009 was largely the result of a shutdown in lending by banks worried that they would be overwhelmed by bad loans. And as the lack of available credit rippled through the economy, it hit more businesses, cost them more customers, forced them to lay off more workers, and slowed economic activity even more, making banks all the more reluctant to lend and setting off a downward spiral.

The search for solutions to these problems has been intense, and we have taken some steps in Congress to alleviate them, including acting to reduce Small Business Administration lending fees, increasing the dollar amount of those loans the government would guarantee, and offering short-term loans to businesses facing immediate financial hardship. But it hasn't been enough.

In May, I told members of the Senate Small Business and Entrepreneurship Committee, on which I serve, of just one Michigan example of the problem: A small manufacturer based in the Thumb. The company's longtime bank lender told the company it could not renew the firm's 5-year loan, instead offering 90-day renewals at a much higher interest rate. The company, with 77 workers and 150 customers, sought a loan elsewhere, but other banks—28 of them—rejected its application. The company has an excellent payment history. That story can be repeated 100 times throughout the state.

With the steep decline in the availability of credit from conventional financial institutions, demand is increasing for community-based financial institutions, including Community

Development Corporations, Micro-lenders, Community Development Financial Institutions and other non-profit lenders to fill the gap created by the reluctance of private financial institutions to provide capital to businesses. As demand on these non-profit institutions to fill the gap has increased, these institutions' sources of capital are also drying up.

To address this problem, I am introducing legislation to help get financing to those small businesses that are not being served by the conventional loan programs currently available through the Small Business Administration.

The Small Business Intermediary Lending Program that I am introducing today is a three-year pilot program which authorizes the SBA in each of the three years to make 20-year loans, on a competitive basis, to up to 20 non-profit lending intermediaries around the country, with a maximum amount of \$3 million per loan. Under this proposal, intermediaries would use these SBA loans to capitalize revolving loan funds through which loans of up to \$200,000 would be made to small businesses in need of flexible debt financing. In addition, these intermediaries would assist borrowers in leveraging the SBA funds to obtain additional capital from other sources. The intermediaries would also work closely with the small business to provide technical assistance during the life of the loan.

The program would be structured along the lines of the SBA's Microloan program and USDA's Intermediary Relending Program, both of which have demonstrated the success of using intermediary lenders to improve the flow of credit to small businesses that are unable to satisfy the underwriting requirements of a congenial bank.

The program is designed to fill the lending gap that exists between SBA's Microloan program that lends up to \$35,000 and its 7(a) loan program that makes larger traditional loans to small businesses through participating banks. Many start-up and expanding small businesses may have graduated from the Microloan Program and need larger loans but cannot get 7(a) loans because they lack adequate collateral necessary for traditional loans. These small businesses may also still need technical assistance to help them succeed that would be provided by the intermediary lender under this bill.

Even before the severe economic downturn and resulting credit crunch, 7(a) lenders were not making the sorts of midsize loans the Intermediary Lending Program seeks to make. In fact, several years ago a representative for the National Association of Government Guaranteed Lenders, the 7(a) lenders' trade association, told a Small Business and Entrepreneurial Committee roundtable that 7(a) lenders are not making these midsized loans because they are not cost effective, and that the Intermediary Lending Program would fill an important niche not being filled by any existing SBA program.

We have been taking some important steps to encourage banks to lend to businesses, with varying degrees of success. Clearly more needs to be done to get credit into the hands of the small businesses that are going to create the jobs necessary to lead us out of this economic downturn. The Intermediary Lending Program I am introducing today proposes a way to get financing into the hands of those viable businesses that conventional banks are currently not lending to so that they can hire employees and grow their businesses. I urge its swift enactment.

By Ms. MIKULSKI (for herself, Mr. ENZI, Mr. HARKIN, Mr. BROWN, Mr. CARDIN, Mr. ALEXANDER, Mr. BARRASSO, Mr. BURR, Mr. GREGG, Mr. THUNE, and Mr. DODD):

S. 2781. A bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, today I rise to introduce legislation that I am calling "Rosa's Law." It began by listening to the people in my own State. It began when a mother told me a compelling story about her own daughter, her family's efforts to give her daughter an opportunity for an education and to be treated with respect and with dignity. And, at the same time, it began with the advocacy of not only she and her husband but of her entire family, including her 14 year old son, Nick, who testified at the Maryland General Assembly.

As a result of their effort, I am introducing Rosa's Law. But I want to tell you about the family. I want to tell you about the Marcellinos—two determined parents with four children: Nick, age 14; Madeleine, age 12; Gigi, age 10; and Rosa, age 8. I wish you could have been with me in my office as I met with them, as I met with the parents and talked with the family.

Last year, at a roundtable on special education, I met Nina Marcellino. She told me about her daughter Rosa and the fact that Rosa had been labeled at her school some years ago as "mentally retarded" and told me of the stigma, the pain, the anguish it caused both Nina and her husband, Rosa's brother and sisters as well as Rosa herself.

The mother and father reached out to the advocacy organization, the Arc, to see what could be done to change the law. They then reached out to a member of the Maryland General Assembly in our own Maryland Legislature—a wonderful representative named Ted Sophocleus.

Mr. Sophocleus introduced legislation in the Maryland General Assembly that would change the words "mentally retarded" and substitute that with the phrase "an individual with an intellectual disability."

That is why I stand on the Senate floor today to introduce, at the request of this family, legislation on behalf of this little girl and on behalf of all of the children of the United States of America who are labeled, stigmatized, and bear a burden the rest of their lives because of the language we use in the law books.

My law simply changes the phrase “mentally retarded” to an “individual with an intellectual disability.” We do it in health, education, and labor policy without in any way negatively impinging upon either the educational or other benefits to which these children are entitled.

When it came time to bring the bill before the General Assembly, the family was there. And who spoke up for Rosa? Well, her mom and dad had been speaking up for her. Her brother Nick and her sisters Madeleine and Gigi had been speaking up for her. This wonderful boy, Nick, at the time 13 testified before the general assembly and said:

What you call people is how you treat them.

“What you call people is how you treat them.” What you call my sister is how you will treat her. If you believe she is “retarded,” it invites taunts, it invites stigmas, it invites bullying, and it also invites the slammed doors of not being treated with respect and dignity.

Nick’s words were far more eloquent that day than mine are today. I want to salute Nick for standing up for his sister. But I think we need to stand up for all because in changing the language we believe it will be the start of new attitudes toward people with intellectual disabilities. Hopefully, people will associate these new words with the very able and valuable people that go to school, work, play soccer, or live next door.

Eunice Shriver believed in this when she created the Special Olympics. She knew special needs children need special attention, but they can do very special things and look what she started.

This bill has gotten unanimous support in the Maryland legislative body. It passed in Annapolis. A few weeks before this bill swept through the General Assembly, I had the opportunity to talk to Rosa’s mom, Nina. I promised her then that if that bill passed the Maryland Legislature, I would bring it to the floor of the Senate. Well, it passed unanimously, Governor O’Malley has signed it, and today I stand before you introducing the legislation.

It makes nominal changes to policy. It gets into Federal education, health, and labor law. It simply substitutes “intellectual disability” for “mental retardation,” “individual with an intellectual disability” for “mentally retarded.”

This bill, as I can assure all who might be concerned, will not expand nor diminish services, rights, or educational opportunities. We vetted it

with legal counsel. We reached out to the very wonderful advocacy groups in this field, and they concur that this legislation would be acceptable.

The Senate has changed terminology for this population before. In the 1960s, Congress passed legislation where we took—I am almost embarrassed to say our law once referred to boys and girls as “feeble-minded.” We thought we were being advanced when we changed it to “mentally retarded.” Now, 40 years later, let’s take another big step and change it to “intellectual disability.”

This bill makes language used in the Federal Government consistent. The President’s Committee on Mental Retardation was changed by Executive order so it is now the Committee on Individuals with Intellectual Disabilities. The CDC uses “intellectual disability.” The World Health Organization uses “intellectual disability.”

I have always said the best ideas come from the people. “Rosa’s Law” is a perfect example of effective citizen advocacy—a family that pulled together for their own, and in pulling together they are pulling us all along to a new way of thinking.

I want to recognize the Marcellino family who is here with us in the gallery, and the namesake of the law, Rosa, whose picture is behind me, and she is also up there in the gallery today.

It was indeed an honor to represent this family. I believe in our country people have a right to be heard, and we listen. They have a right to be represented, which I have tried to do. Now let’s try to change the law.

I also want to take this opportunity to thank my colleagues. It is a pleasure to work with Senators HARKIN and ENZI, the chair and ranking member of the HELP Committee. I have their wholehearted support in working together.

This is going to be a bipartisan bill. It is going to be a nonpartisan bill. We are going to check our party hats at the door and move ahead and tip our hats to these boys and girls. This bill is driven by passion for social justice and compassion for the human condition. We have done a lot to come out of the dark ages of institutionalization and exclusion when it comes to people with intellectual disabilities.

I urge my colleagues to join me in going a step further. Cosponsor the legislation I offer on a bipartisan basis. Help me pass the law and know that each and every one of us can make a difference. When we work together, we can make change. I look forward to working with my colleagues in moving this bill forward in our legislative process.

Mr. ENZI. Mr. President, I am pleased to have this opportunity to join my colleague from Maryland, Senator MIKULSKI, in introducing Rosa’s law. I would like to thank her for her leadership and her commitment on this issue. Simply put, this legislation will

make an important change in the words we use to refer to those with intellectual disabilities. It is a much needed change in the law that is fully deserving of our support.

For far too long we have used words like “mental retardation” in our Federal statutes to refer to those with intellectual disabilities. This has been unfortunate because when we use such a term we send a message throughout our society that someone “is” their disability, instead of someone like us who is facing a challenge in their life. Such a term creates the unwanted impression that growth is impossible and their disability will lock them into a certain lifestyle forever.

As an example, imagine a friend with cancer. When you refer to him or her you would probably say they have cancer, or are going through cancer treatment. You wouldn’t say they “are” cancer like this term says that someone “is” their disability. It’s a distinction that makes a big difference for anyone facing such a difficult period of their lives.

This is not a unique situation. Historically, this and other unfortunate terms have been used to refer to people with disabilities of all kinds for many years.

Prior to the 1960’s, people who were viewed as having intellectual limitations were shunned from society and placed in institutions. The American dream of self-determination, independent living, and the pursuit of freedom and happiness was thought to be impossible for them to achieve. We let the limitations we helped to create with our words and our attitudes slowly take away their hopes and dreams for a better life and a brighter future.

We know now that words have meaning, sometimes far beyond what we intend. Therefore, we must be very careful about the way we describe the people we see every day, including those with disabilities, or those who are undergoing treatment for a variety of health issues. Unfortunately, the Federal Government has not dropped this term from our laws and it still appears in the regulations and statutes that come before our legislative bodies and our courts.

With this legislation we are taking a giant step forward, as we acknowledge that times have changed and we live in a much different world. Clearly this term was not developed from malice. It came from a lack of understanding of what it was like to be labeled with such a term and then left virtually alone in the effort to overcome it.

Over the years, Congress has made it known that community living, educational opportunities that lead to success in the workplace, and equal opportunity without discrimination will be available to people who are living with intellectual limitations under appropriate Federal statutes.

That was a good start. Unfortunately, several key Federal disability statutes, including the Individuals

with Disabilities Education Act, the Rehabilitation Act, the Developmental Disabilities Act, and the Genetic Information Nondiscrimination Act, still use the outmoded term. It is time for Congress to be proactive and join the States of New Hampshire, Maryland, and my home State of Wyoming by ending the use of this pejorative term and replacing it with a more carefully chosen word.

To paraphrase a quote I have heard about cancer, a disability is a word, not a sentence. We have put that philosophy into practice over the years for other disabilities. It is time we adapted it to provide support to those living with intellectual disabilities as well.

Some will ask if we are being overly sensitive, or if we are just trying to make a change to be politically correct. The answer to that question is clearly “no.”

It is no secret. When we put a “label” like that on someone we often find ourselves dealing with the label as if it is not a description of the challenges someone faces in their lives but a reflection of who that person really is. That puts them in a group with a label for a name and tells them that they are not worthy of being treated as an individual, with individual needs and interests.

I have heard from people with intellectual disabilities over the years. They have asked us to put an end to the use of that outdated term. Self-advocacy groups such as Self-Advocates Becoming Empowered and local People First Organizations as well as organizations such as the Arc of the United States, Special Olympics International, and others have already stopped using this archaic terminology and dropped the term from their agency names. The American Psychiatric Association, which publishes the Diagnostic and Statistical Manual of Mental Disorders, has already voted to use the term “Intellectual Disability” in the next publication of their manual.

I have always believed that the law is a great teacher. That is why we need to join in this effort and express our support for the efforts of those with disabilities of all kinds to live to their full potential. We can do that by eliminating the use of negative archaic terms to refer to those with intellectual limitations. Such an action on our part starts with this bill that uses the term intellectual disability in laws that are in the jurisdiction of the Senate Committee on Health, Education, Labor and Pensions. This bill makes our intent clear throughout our Nation that this term will never again be used in Congress or in any Federal office.

When I came to the Senate 13 years ago, my staff and I met almost immediately to work on our mission statement. When it was completed, one of the most important clauses we had written was our commitment that we would treat others not as we would wish to be treated, but as they would wish to be treated. There is a difference.

Today, with the passage of this important legislation, we are reaching out to those with intellectual disabilities to assure them that their government will treat them as they would wish to be treated. By so doing, we will also be directing our staffs and the staffs of federal offices throughout the U.S. that the best way for them to refer to those with disabilities or to anyone who comes into their office is by the term they have carried with them throughout their lives—their name.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2786. A bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing late fees on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to join with Senator HATCH to introduce a bill that will take steps to enhance the retirement benefits granted to Assistant U.S. Attorneys who serve all Americans in a critical law enforcement role. Representative DELAHUNT is introducing companion legislation in the House. I would like to acknowledge the significant efforts made by the National Association of Assistant United States Attorneys in developing this legislation.

There are approximately 5,500 Assistant U.S. Attorneys in 93 offices throughout the U.S. all of whom are serving on the front lines to uphold the rule of law. Having served as a prosecutor for many years in Vermont, I know well the integral role prosecutors play in the administration of justice and keeping our communities safe. Federal prosecutors are a crucial component of our justice system, and this legislation recognizes the important contributions these men and women make in the enforcement of our Federal laws.

Probation officers, deputy marshals, corrections officers, and even corrections employees not serving in a law enforcement role receive benefits greater than those received by Assistant U.S. Attorneys. This is a disparity that should be remedied. By making the appropriate adjustments provided in this legislation, Congress would also help the Federal justice system retain experienced prosecutors. Of all the

prosecutors who leave the government for the private sector, 60 to 70 percent do so with experience of between 6 and 15 years. With the Department of Justice’s rapidly expanding role in combating terrorism, financial fraud, and other pressing national law enforcement challenges, we cannot afford to lose the experienced men and women who serve in this vital position. And by enhancing the retirement benefits for these prosecutors, we make service as an Assistant U.S. Attorney a more attractive path for talented young lawyers who are considering public service.

This legislation also makes substantial efforts to defray the cost to the Federal Government of providing enhanced retirement benefits to Assistant U.S. Attorneys and to make our justice system operate more efficiently. The bill includes important provisions that would assist the Department of Justice in recovering money owed to the Federal Government as a result of judgments and other fines. By bolstering the Department’s ability to collect the funds it is rightfully owed, resources would be made more available to provide the parity in retirement benefits sought by Assistant U.S. Attorneys. The result of this innovative effort to fund these benefits in an alternative manner is that the Department of Justice will, through its duties as the Nation’s law enforcement agency, be able to provide the benefits its employees deserve at little or no cost to the taxpayer.

With the introduction of this legislation, we signal that prosecutors in our society fulfill a critical and valuable role. By enacting it, Congress can send the message that the service of these prosecutors is an indispensable component of our Federal justice system. I hope all Senators will join us in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2786

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Enhanced Restitution Enforcement and Equitable Retirement Treatment Act of 2009”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

**TITLE I—ENHANCED FINANCIAL RECOVERY**

Sec. 101. Unpaid fines and restitution.

Sec. 102. Remission of criminal monetary penalties.

Sec. 103. Prioritization of restitution efforts.

Sec. 104. Imposition of civil late fee.

Sec. 105. Increase in the amount of special assessments.

Sec. 106. Enhanced financial recovery fund.

Sec. 107. Effective dates.

TITLE II—EQUITABLE RETIREMENT TREATMENT OF ASSISTANT UNITED STATES ATTORNEYS

Sec. 201. Retirement treatment of assistant United States attorneys.  
 Sec. 202. Provisions relating to incumbents.  
 Sec. 203. Agency share contributions.  
 Sec. 204. Effective date.

TITLE I—ENHANCED FINANCIAL RECOVERY

SEC. 101. UNPAID FINES AND RESTITUTION.

(a) IN GENERAL.—Section 3612 of title 18, United States Code, is amended—

(1) by striking subsections (d), (e), (g), (h), and (i); and

(2) by inserting after subsection (c) the following:

“(d) IMPOSITION OF LATE FEE.—

“(1) IN GENERAL.—A late fee shall be imposed upon a defendant if fines or restitution obligations of the defendant totaling not less than \$2,500 unpaid as of the date specified in subsection (f)(1). The late fee imposed under this paragraph shall be 5 percent of the unpaid principal balance for an individual and 10 percent for any other person.

“(2) ALLOCATION OF PAYMENTS.—

“(A) FINE.—Subject to subparagraph (C), if a late fee is imposed under paragraph (1) for a fine—

“(i) an amount equal to 95 percent of each payment made by a defendant shall be credited to the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) or as otherwise provided in that section; and

“(ii) an amount equal to 5 percent of each payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 106 of the Enhanced Restitution Enforcement and Equitable Retirement Treatment Act of 2009.

“(B) RESTITUTION.—Subject to subparagraph (C), if a late fee is imposed under paragraph (1) for a restitution obligation—

“(i) an amount equal to 95 percent of each payment shall be paid to any victim identified by the court; and

“(ii) an amount equal to 5 percent of each payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 106 of the Enhanced Restitution Enforcement and Equitable Retirement Treatment Act of 2009.

“(C) ORDER OF PAYMENTS.—Payments for fines or restitution shall be applied first to the principal and, if any, the late fee under paragraph (1). If the amount due on either the principal or the late fee has been paid in full and the other amount due remains unpaid, all payments for fines or restitution shall then be applied to the other unpaid obligation. If the principal and the late fee have been paid in full, all payments for fines or restitution shall then be applied to interest.

“(3) DEFINITIONS.—In this subsection—

“(A) the term ‘fines or restitution obligations’ does not include any amount that is imposed as interest, costs, or a late fee;

“(B) the term ‘principal’ does not include any amount that is imposed as interest, penalty, or a late fee; and

“(C) the term ‘restitution’ includes any unpaid balance due to a person identified in any judgment, or order of restitution, entered in any criminal case.

“(e) WAIVER OF INTEREST, PENALTY, OR LATE FEES.—

“(1) IN GENERAL.—The Attorney General may waive all or part of any interest or late fee under this section or any interest or penalty imposed under any other provision of law if the Attorney General determines that reasonable efforts to collect the interest, late fee, or penalty are not likely to be effective.

“(2) WAIVER BY COURT.—The court may waive the uncollected portion of a late fee, upon the motion of the defendant, and a showing, by a preponderance of the evidence, that—

“(A) the defendant has made a good faith effort to satisfy all unpaid fines or restitution obligations;

“(B) despite the good faith efforts of the defendant, the defendant is not likely to satisfy the obligations within the time provided for under section 3613 of this title; and

“(C) the continued collection of a late fee would constitute an undue burden upon the defendant.”

(b) REPEAL OF DELINQUENCY AND DEFAULT PROVISIONS.—Section 3572 of title 18, United States Code, is amended by striking subsections (h) and (i).

SEC. 102. REMISSION OF CRIMINAL MONETARY PENALTIES.

Section 3573 of title 18, United States Code, is amended to read as follows:

“§ 3573. Petition of the Government for modification or remission

“(a) IN GENERAL.—Upon petition of the Government showing that reasonable efforts to collect a fine, restitution obligation, or special assessment are not likely to be effective, the court may, in the interest of justice, remit all or any part of the fine, restitution obligation, or special assessment, including interest, penalty, and late fees.

“(b) VICTIMS OTHER THAN THE UNITED STATES.—In the case of a restitution obligation owed to a victim other than the United States, the express and clearly voluntary consent of the victim is required before the court may grant such petition. No defendant shall initiate contact with a victim for the purpose of securing consent to a possible remission except through counsel, the United States attorney, or in such a manner as first approved by the court as safe and noncoercive.”

SEC. 103. PRIORITIZATION OF RESTITUTION EFFORTS.

Section 3771 of title 18, United States Code, is amended by adding the following subsection:

“(g) GUIDELINES.—

“(1) IN GENERAL.—The Attorney General shall promulgate guidelines to ensure the effective and efficient enforcement of all criminal and civil obligations which are owed to the United States and enforced by the Department of Justice.

“(2) CONTENTS.—The guidelines promulgated under paragraph (1) shall require consideration, in making decisions relating to enforcement of criminal and civil obligations which are owed to the United States, of the amount due, the amount collectible, and whether the amount is due to individuals who are not likely to be able to enforce the obligation without assistance from the Department of Justice.”

SEC. 104. IMPOSITION OF CIVIL LATE FEE.

(a) IN GENERAL.—Section 3011 of title 28, United States Code, is amended to read as follows:

“§ 3011. Imposition of late fee

“(a) IN GENERAL.—A late fee shall be imposed on a defendant if there is an unpaid balance due to the United States on any money judgment in a civil matter recovered in a district court as of—

“(1) the fifteenth day after the date of the judgment; or

“(2) if the day described in paragraph (1) is a Saturday, Sunday, or legal public holiday, the next day that is not a Saturday, Sunday, or legal holiday.

“(b) AMOUNT OF LATE FEE.—A late fee imposed under subsection (a) shall be 5 percent of the unpaid principal balance for an individual and 10 percent for any other person.

“(c) ALLOCATION OF PAYMENTS.—Subject to subsection (d), if a late fee is imposed under subsection (a)—

“(1) an amount equal to 95 percent of each principal payment made by a defendant shall be credited as otherwise provided by law; and

“(2) an amount equal to 5 percent of each principal payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 106 of the Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007.

“(d) ORDER OF PAYMENTS.—Payments for a money judgment in a civil matter shall be applied first to the principal and, if any, the late fee under subsection (a). If the amount due on either the principal or the late fee has been paid in full and the other amount due remains unpaid, all payments for a money judgment in a civil matter shall be applied to the other unpaid obligation. If the principal and the late fee have been paid in full, all payments for a money judgment in a civil matter shall then be applied to interest.

“(e) DEFINITIONS.—In this section—

“(1) the term ‘principal’ does not include any amount that is imposed as interest, penalty, or a late fee; and

“(2) the term ‘unpaid balance due to the United States’—

“(A) includes any unpaid balance due to a person that was represented by the Department of Justice in the civil matter in which the money judgment was entered; and

“(B) does not include interest, costs, penalties, or late fees.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 176 of title 28, United States Code, is amended by striking the item relating to section 3011 and inserting the following:

“3011. Imposition of late fee.”

SEC. 105. INCREASE IN THE AMOUNT OF SPECIAL ASSESSMENTS.

Section 3013 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) The court shall assess on any person convicted of an offense against the United States—

“(1) in the case of an infraction or a misdemeanor—

“(A) if the defendant is an individual—

“(i) the amount of \$10 in the case of an infraction or a class C misdemeanor;

“(ii) the amount of \$25 in the case of a class B misdemeanor; and

“(iii) the amount of \$100 in the case of a class A misdemeanor; and

“(B) if the defendant is a person other than an individual—

“(i) the amount of \$100 in the case of an infraction or a class C misdemeanor;

“(ii) the amount of \$200 in the case of a class B misdemeanor; and

“(iii) the amount of \$500 in the case of a class A misdemeanor; and

“(2) in the case of a felony—

“(A) the amount of \$100 if the defendant is an individual; and

“(B) the amount of \$1,000 if the defendant is not an individual.”

SEC. 106. ENHANCED FINANCIAL RECOVERY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a separate account known as the Department of Justice Enhanced Financial Recovery Fund (in this section referred to as the “Fund”).

(b) DEPOSITS.—Notwithstanding section 3302 of title 31, United States Code, or any other law regarding the crediting of collections, there shall be credited as an offsetting collection to the Fund an amount equal to—

(1) 2 percent of any amount collected pursuant to civil debt collection litigation activities of the Department of Justice (in addition to any amount credited under section

11013 of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 527 note);

(2) 5 percent of all amounts collected as restitution due to the United States pursuant to the criminal debt collection litigation activities of the Department of Justice; and

(3) any late fee collected under section 3612 of title 18, United States Code, as amended by this Act, or section 3011 of title 28, United States Code, as amended by this Act.

(c) AVAILABILITY.—The amounts credited to the Fund shall remain available until expended.

(d) PAYMENTS FROM THE FUND TO SUPPORT ENHANCED ENFORCEMENT OF JUDGMENTS.—

(1) USE FOR COLLECTION.—

(A) IN GENERAL.—Except as provided in paragraph (2), the Attorney General shall use not less than \$20,000,000 of the Fund in each fiscal year, to the extent that funds are available, for the collection of civil and criminal judgments by the Department of Justice, including restitution judgments where the beneficiaries are the victims of crime.

(B) ALLOCATION.—The funds described in subparagraph (A) shall be used to enhance, supplement, and improve the civil and criminal judgment enforcement efforts of the Department of Justice first, and primarily for such activities by United States attorneys' offices. A portion of the funds described in subparagraph (A) may be used by the Attorney General to provide legal, investigative, accounting, and training support to the United States attorneys' offices in carrying out civil and criminal debt collection activities.

(C) LIMITATION.—The funds described in subparagraph (A) may not be used to determine whether a defendant is guilty of an offense or liable to the United States, except incidentally for the provision of assistance necessary or desirable in a case to ensure the preservation of assets or the imposition of a judgment, which assists in the enforcement of a judgment, or in a proceeding directly related to the failure of a defendant to satisfy the monetary portion of a judgment.

(2) ADJUSTMENT OF AMOUNT.—In each fiscal year following the first fiscal year in which deposits into the Fund are greater than \$20,000,000, the amount to be used under paragraph (1)(A) shall be increased by a percentage equal to the change in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor for the calendar year preceding that fiscal year.

(3) LIMITATION.—In any fiscal year, amounts in the Fund shall be available to the extent that the amount appropriated in that fiscal year for the purposes described in paragraph (1) is not less than an amount equal to the amount appropriated for such activities in fiscal year 2006, adjusted annually in the same proportion as increases reflected in the amount of aggregate level of appropriations for the Executive Office of United States Attorneys and United States Attorneys.

(e) CURRENT AGENCY SHARE CONTRIBUTIONS.—After expending amounts in the Fund as provided under subsection (d), the Attorney General may use amounts remaining in the Fund to offset additional agency share contributions made by the Department of Justice for personnel benefit expenses incurred as a result of this Act or the amendments made by this Act relating to service as an assistant United States attorney on or after the date of enactment of this Act. The availability of amounts from the Fund shall have no effect on the implementation of title II or the amendments made by title II.

(f) RETROACTIVE AGENCY SHARE CONTRIBUTIONS.—After expending amounts in the Fund as provided under subsection (e), the

Attorney General may use amounts remaining in the Fund to offset agency share contributions made by the Department of Justice for personnel benefit expenses incurred as a result of this Act or the amendments made by this Act relating to service as an assistant United States attorney before the date of enactment of this Act.

(g) REBATE OF AGENCY OFFSETS.—After expending amounts in the Fund as provided under subsection (f), all amounts remaining in the Fund shall be credited, proportionally, to the Federal agencies on behalf of which debt collection litigation activities were conducted that resulted in deposits under paragraph (1) or (2) of subsection (b) during that fiscal year.

(h) PAYMENTS TO THE GENERAL FUND.—After expending amounts in the Fund as provided under subsection (g), all amounts remaining in the Fund shall be deposited with the General Fund of the United States Treasury.

(i) DEFINITION.—In this section, the term "United States"—

(1) includes—

(A) the executive departments, the judicial and legislative branches, the military departments, and independent establishments of the United States; and

(B) corporations primarily acting as instrumentalities or agencies of the United States; and

(2) except as provided in paragraph (1), does not include any contractor of the United States.

#### SEC. 107. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in this section, this title and the amendments made by this title shall take effect 30 days after the date of enactment of this Act.

(b) CRIMINAL CASES.—The amendments made by section 105 and subsection (d) of section 3612 of title 18, United States Code, as added by section 101 of this Act, shall apply to any offense committed on or after the date of enactment of this Act, including any offense which includes conduct that continued on or after the date of enactment of this Act.

(c) CIVIL CASES.—The amendments made by section 104 shall apply to any case pending on or after the date of enactment of this Act.

### TITLE II—EQUITABLE RETIREMENT TREATMENT OF ASSISTANT UNITED STATES ATTORNEYS

#### SEC. 201. RETIREMENT TREATMENT OF ASSISTANT UNITED STATES ATTORNEYS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8331 of title 5, United States Code, is amended—

(A) in paragraph (30), by striking "and" at the end;

(B) in paragraph (31), by striking the period and inserting "and"; and

(C) by adding at the end the following:

"(32) 'assistant United States attorney'—

"(A) means an assistant United States attorney appointed under section 542 of title 28; and

"(B) includes an individual—

"(i) appointed United States attorney under section 541 or 546 of title 28;

"(ii) who has previously served as an assistant United States attorney; and

"(iii) who elects under section 202 of the Enhanced Restitution Enforcement and Equitable Retirement Treatment Act of 2009 to be treated as an assistant United States attorney and solely for the purposes of this title."

(2) RETIREMENT TREATMENT.—Chapter 83 of title 5, United States Code, is amended by adding after section 8351 the following:

#### "§ 8352. Assistant United States attorneys

"An assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter, except as follows:

"(1) Section 8335(b)(1) of this title (relating to mandatory separation) shall not apply.

"(2) Section 8336(c)(1) of this title (relating to immediate retirement at age 50 with 20 years of service as a law enforcement officer) shall apply to assistant United States attorneys except the age for immediate retirement eligibility shall be 57 instead of 50."

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8351 the following:

"Sec. 8352. Assistant United States attorneys."

(B) MANDATORY SEPARATION.—Section 8335(a) of title 5, United States Code, is amended by striking "8331(29)(A)" and inserting "8331(30)(A)".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (35), by striking "and" at the end;

(B) in paragraph (36), by striking the period and inserting "and"; and

(C) by adding at the end the following:

"(37) 'assistant United States attorney'—

"(A) means an assistant United States attorney appointed under section 542 of title 28; and

"(B) includes an individual—

"(i) appointed United States attorney under section 541 or 546 of title 28;

"(ii) who has previously served as an assistant United States attorney; and

"(iii) who elects under section 202 of the Enhanced Restitution Enforcement and Equitable Retirement Treatment Act of 2009 to be treated as an assistant United States attorney and solely for the purposes of this title."

(2) RETIREMENT TREATMENT.—Section 8402 of title 5, United States Code, is amended by adding at the end the following:

"(h) An assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter, except as follows:

"(1) Section 8425(b)(1) of this title (relating to mandatory separation) shall not apply.

"(2) Section 8412(d) of this title (relating to immediate retirement at age 50 with 20 years of service as a law enforcement officer) shall apply to assistant United States attorneys except the age for immediate retirement eligibility shall be 57 instead of 50."

(c) MANDATORY SEPARATION.—Sections 8335(b)(1) and 8425(b)(1) of title 5, United States Code, are each amended by adding at the end the following: "This subsection shall not apply in the case of an assistant United States attorney."

#### SEC. 202. PROVISIONS RELATING TO INCUMBENTS.

(a) DEFINITIONS.—In this section—

(1) the term "assistant United States attorney" means an assistant United States attorney appointed under section 542 of title 28, United States Code; and

(2) the term "incumbent" means an individual who, on the date of enactment of this Act—

(A) is serving as an assistant United States attorney;

(B) is serving as a United States Attorney appointed under section 541 or 546 of title 28, United States Code; or

(C) is employed by the Department of Justice and has served at least 10 years as an assistant United States attorney.

(b) NOTICE REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Department of Justice shall take measures reasonably designed to provide notice to incumbents on—

(1) their election rights under this title; and

(2) the effects of making or not making a timely election under this title.

(c) ELECTION AVAILABLE TO INCUMBENTS.—

(1) IN GENERAL.—An incumbent may elect, for all purposes, to be treated—

(A) in accordance with the amendments made by this title; or

(B) as if this title had never been enacted.

(2) TIME LIMITATION.—An election under this subsection shall not be effective unless the election is made not later than the earlier of—

(A) 180 days after the date on which the notice under subsection (b) is provided; or

(B) the date on which the incumbent involved separates from service.

(3) FAILURE TO ELECT.—Failure to make a timely election under this subsection shall be deemed—

(A) for an assistant United States attorney, as an election under paragraph (1)(A); and

(B) for any other incumbent, as an election under paragraph (1)(B).

(d) LIMITED RETROACTIVE EFFECT.—

(1) EFFECT ON RETIREMENT.—In the case of an incumbent who elects (or is deemed to have elected) the option under subsection (c)(1)(A), all service performed by that individual as an assistant United States attorney shall—

(A) to the extent performed on or after the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as amended by this title; and

(B) to the extent performed before the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as if the amendments made by this title had then been in effect.

(2) CREDITABLE SERVICE.—All service performed by an incumbent under an appointment under section 515, 541, 543, or 546 of title 28, United States Code and while concurrently employed by the Department of Justice shall be credited in the same manner as if performed as an assistant United States attorney.

(3) NO OTHER RETROACTIVE EFFECT.—Nothing in this title (including the amendments made by this title) shall affect any of the terms or conditions of an individual's employment (apart from those governed by subchapter III of chapter 83 or chapter 84 of title 5, United States Code) with respect to any period of service preceding the date on which such individual's election under subsection (c) is made (or is deemed to have been made).

(e) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—An individual who makes an election under subsection (c)(1)(A) shall, with respect to prior service performed by such individual, deposit, with interest, to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that would have been made for such service if the amendments made by this title had then been in effect.

(2) EFFECT OF NOT CONTRIBUTING.—If the deposit required under paragraph (1) is not paid, all prior service of the incumbent shall remain fully creditable as law enforcement

officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2)(B) of title 5, United States Code.

(3) PRIOR SERVICE DEFINED.—In this subsection, the term "prior service" means, with respect to any individual who makes an election (or is deemed to have made an election) under subsection (c)(1)(A), all service credited as an assistant United States attorney, but not exceeding 20 years, performed by such individual before the date as of which applicable retirement deductions begin to be made in accordance with such election.

(f) REGULATIONS.—The Office of Personnel Management shall prescribe regulations necessary to carry out this title, including provisions under which any interest due on the amount described under subsection (e) shall be determined.

#### SEC. 203. AGENCY SHARE CONTRIBUTIONS.

(a) IN GENERAL.—The cost for current agency share contributions for personnel benefits incurred as a result of this Act or the amendments made by this Act may be paid from the Enhanced Financial Recovery Fund. If in any fiscal year the Fund does not have a sufficient amount on deposit to satisfy the cost for current agency share contributions for personnel benefits incurred as a result of this Act or the amendments made by this Act, the amount of the insufficiency shall be due the next fiscal year.

(b) RETROACTIVE AGENCY SHARE.—The cost for retroactive agency share contributions for personnel benefits incurred as a result of this Act or the amendments made by this Act may be paid from the Enhanced Financial Recovery Fund. Notwithstanding section 8348(f) or section 8423(b) of title 5, United States Code, an amount equal to the amount remaining in the Enhanced Financial Recovery Fund in any fiscal year, after the amounts credited to the Fund have been expended to satisfy the requirements of subsections (d) and (e) of section 106 of this Act, shall be credited toward the cost for retroactive agency share contributions for personnel benefits incurred as a result of this Act or the amendments made by this Act until such cost, along with accumulated interest, has been satisfied in full.

(c) USE OF FUNDS.—Funds appropriated for the Department of Justice shall not be used to pay for the additional cost for current or retroactive agency share contributions for personnel benefits incurred as a result of this Act or the amendments made by this Act except as directed by the Attorney General.

#### SEC. 204. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect on the date of enactment of this Act.

(b) INCUMBENTS.—In the case of an incumbent who elects (or is deemed to have elected) the option under section 202(c)(1)(A) of this title, the election shall not take effect until 24 months after the date of enactment of this Act, except as follows:

(1) An incumbent with at least 30 years of service as an assistant United States attorney may choose to have the election take effect at any time between 6 and 24 months after the date of enactment of this Act.

(2) An incumbent with at least 25 years of service credited as an assistant United States attorney may choose to have the election take effect at any time between 12 and 24 months after the enactment of this Act;

(3) An incumbent with at least 20 years of service credited as an assistant United States attorney may, with the approval of the Attorney General, choose to have the election take effect at any time between 6 and 24 months after the date of enactment of this Act; and

(4) An incumbent with at least 20 years service credited as an assistant United

States attorney and who is currently serving under an appointment under section 541 or 546 of title 28, United States Code, may choose to have the election take effect at any time between the enactment of this Act and 24 months after the date of enactment of this Act.

By Mr. VOINOVICH (for himself,  
Mrs. GILLIBRAND, and Mr.  
KAUFMAN):

S. 2789. A bill to establish a scholarship program to encourage outstanding undergraduate and graduate students in mission-critical fields to pursue a career in the Federal Government; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, since arriving in the Senate in 1999, I have made improving the Federal workforce a priority. In that time, I have served as both chairman and ranking member of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, and have participated in many hearings to examine the personnel needs of the Federal Government. In fact, I recently attended my 52nd hearing examining Federal human capital issues.

As my colleagues surely know, over the next several years the Federal workforce will experience an unprecedented demographic transition. By December 2012, 250,000 Federal employees are expected to retire. To maintain current staff levels amidst the impending wave of Baby Boomer retirements, and to cope with the increasing workload being placed on civil servants by Congress and the administration, more than 600,000 positions will need to be filled over this time period.

This hiring challenge will be particularly significant for those positions designated by Federal agencies as "mission-critical," or necessary for carrying out basic agency responsibilities. In its recently released survey of the coming hiring challenge, Where the Jobs Are, the Partnership for Public Service estimates that 273,000 new public servants—from doctors to intelligence analysts, program managers to police officers—will need to be brought on board to maintain current staffing levels, a 40 percent increase from the previous 3-year period.

Successfully meeting this human capital challenge will require a sustained, multi-pronged effort addressing a host of issues. The Federal hiring process needs streamlining, improvements must continue in the processing of security clearances, and agencies will need to approach future hiring decisions in a strategic fashion rather than a tactical, reactive one.

No matter how effectively the Federal hiring process is planned for and managed, however, an effective workforce cannot be built in the absence of talented individuals willing to pursue careers in public service. The need for well-qualified young people with aspirations to careers in public service is particularly important for mission-

critical occupations, which tend to require highly specialized skill sets that too often are in short supply.

At the same time, the average debt load undergraduate and graduate students must bear to finance their education continues to increase. As a result, many young Americans who would otherwise be eager to join the civil service are prevented from doing so.

In an effort to help established a talent pipeline for such mission-critical positions, today I join with the distinguished Senator from New York, Senator GILLIBRAND, and the distinguished Senator from Delaware, Senator KAUFMAN, to introduce legislation aimed at encouraging and enabling young people with valuable, mission-critical skills to pursue careers in public service.

The Roosevelt Scholars Act of 2009 would establish a foundation named in honor of our 26th President and a principal architect of the modern civil service, Theodore Roosevelt. The Theodore Roosevelt Scholarship Foundation would be charged with awarding scholarships to outstanding undergraduate and graduate students pursuing fields of study identified by Federal agencies as mission-critical. In return for tuition support and a small stipend, selected students—dubbed Roosevelt Scholars—would be required to engage in 3 to 5 years of service with a Federal agency in need of an individual with a Roosevelt Scholar's unique skill set. Scholarships would be provided through the Theodore Roosevelt Memorial Scholarship Trust Fund, whose endowment would eventually provide a self-sustaining funding mechanism for Roosevelt Scholarships.

I am pleased to be joined in offering this legislation by enthusiastic partners. Senator GILLIBRAND is a strong supporter of encouraging Americans to pursue careers in public service, and I am thankful for her diligent work in advancing this legislation. Likewise, Senator KAUFMAN has demonstrated his strong support of our Nation's civil servants by his frequent appearances on the floor of this chamber to recognize the accomplishments of outstanding Federal employees. And on the other side of the Capitol Rotunda, Representatives DAVID PRICE and MICHAEL CASTLE are already hard at work promoting this important legislation.

The higher education community has been quick to see the promise offered by the Roosevelt Scholars Act. More than 100 public and private universities have endorsed this legislation, and the list continues to grow.

I will be the first to tell my colleagues that problems as daunting as those facing the Federal workforce are not solved overnight. I have learned from 18 years as a public executive—first as mayor of Cleveland, then as Governor of Ohio—that progress on such challenges is made incrementally. Opportunities offered by legislation like the Roosevelt Scholars Act are important components in a larger strategy.

I urge my colleagues to join in co-sponsoring the Roosevelt Scholars Act, and look forward to working with my colleagues in the House and Senate to provide young people the opportunity to pursue a career in public service as Roosevelt Scholars.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2784. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2785. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1963, to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2784. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. At the discretion of the Attorney General, funds appropriated under the heading "Byrne Discretionary grants" under funding for the Department of Justice in the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009 (Public Law 111-8) to the Louisiana District Attorney's Association for the purpose to support an early intervention program for at-risk elementary students may be available to the University of Louisiana-Lafayette for the same purpose.

SA 2785. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1963, to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes; which was ordered to lie on the table; as follows:

On page 177, after line 10, add the following:

SEC. 1003. REQUIREMENT TO TRANSFER FUNDING FOR UNITED NATIONS CONTRIBUTIONS TO OFFSET COSTS OF PROVIDING ASSISTANCE TO FAMILY CAREGIVERS OF DISABLED VETERANS.

The Secretary of State shall transfer to the Secretary of Veterans Affairs, out of amounts appropriated or otherwise made available in a fiscal year for "Contributions to International Organizations" and "Contributions for International Peacekeeping Activities", such sums as the Secretaries jointly determine are necessary to carry out the provisions of this Act and the amendments made by this Act.

SEC. 1004. MODIFICATION OF ELIGIBILITY FOR FAMILY CAREGIVER ASSISTANCE.

(a) LIMITATION.—Section 1717A(b), as added by section 102 of this Act, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2)(C), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following new paragraph:

"(3) who, in the absence of personal care services, would require hospitalization, nursing home care, or other residential care."

(b) EXPANSION.—Such section 1717A(b) is further amended, in paragraph (1), by striking "on or after September 11, 2001".

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been rescheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, December 2, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on policy options for reducing greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Gina\_Weinstock@energy.senate.gov

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on November 17, 2009, at 10:30 a.m., in room 562 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 17, 2009, at 3 p.m., to conduct a hearing entitled "Protecting Consumers From Abusive Overdraft Fees: The Fairness and Accountability in Receiving Overdraft Coverage Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2009, at 2:30 p.m., in room

253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on November 17, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 17, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 17, 2009, at 3 p.m., to hold a hearing entitled "The U.S. and the G-20: Remaking the International Economic Architecture."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 17, 2009, at 2:30 p.m., to conduct a hearing entitled "H1N1 Flu: Getting the Vaccine to Where It Is Most Needed."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 17, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 17, 2009, at 10:30 a.m., to hold a Subcommittee on African Affairs hearing entitled "Counterterrorism in the Trans-Sahel: Examining U.S. Strategy."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet during the session of the Senate, on November

17, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Cybersecurity: Preventing Terrorist Attacks and Protecting Privacy in Cyberspace."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that a member of my team, Jeanne Atkins, be granted the privileges of the floor for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, in consultation with the Republican leader, pursuant to Public Law 95-277, as amended by Public Law 102-246, appoints the following individuals as members of the Library of Congress Trust Fund Board for 5-year terms: Elaine Wynn of Nevada, vice Bernard Rapoport, and Tom Girardi of California, vice Leo Hindery.

ORDERS FOR WEDNESDAY,  
NOVEMBER 18, 2009

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, and that Senator ROCKEFELLER be recognized to speak; that following his remarks, there be a period of morning business for 2 hours, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first hour and the Republicans controlling the next hour; that following morning business, the Senate proceed to executive session and resume consideration of the nomination of David Hamilton to be U.S. circuit judge for the Seventh Circuit. Finally, I ask that the postcloture time count during any adjournment, recess, or period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. MURRAY. Mr. President, tomorrow the Senate will resume the postcloture debate time on the Hamilton nomination. If all time is used, the Senate would vote on confirmation of the nomination around 11 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mrs. MURRAY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:24 p.m., adjourned until Wednesday, November 18, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL TRADE COMMISSION

JULIE SIMONE BRILL, OF VERMONT, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2009, VICE PAMELA HARBOUR, TERM EXPIRED.

EDITH RAMIREZ, OF CALIFORNIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2008, VICE DEBORAH P. MAJORAS, TERM EXPIRED.

APPALACHIAN REGIONAL COMMISSION

EARL F. GOHL, JR., OF THE DISTRICT OF COLUMBIA, TO BE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE ANNE B. POPE, RESIGNED.

DEPARTMENT OF STATE

SCOTT H. DELISI, OF MINNESOTA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF NEPAL.

BEATRICE WILKINSON WELTERS, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TRINIDAD AND TOBAGO.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

SUZANNE E. HEINEN, OF MICHIGAN

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

HOLLY S. HIGGINS, OF IOWA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

BERNADETTE BORRIS, OF NEW JERSEY

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A)

*To be captain*

ANDREW G. LISKE

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JANET C. WOLFENBARGER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. FRANK J. SULLIVAN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. WILLIAM R. BURKE

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203(A):

*To be colonel*

ELISHA T. POWELL IV

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

SCOTT E. MCNEIL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

SCOTT E. ZIPPRICH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

MARY B. MCQUARY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO

THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

MARVIN R. MANIBUSAN  
BRENDA F. MASON  
FRANCISCO J. NEUMAN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

PATRICK S. CALLENDER  
JEFFREY A. MORTON  
JOEL M. PULL  
STEVEN L. SHUGART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

MICHAEL A. BENNETT  
BERNARD J. BERCIK  
JOSEPH N. CROSSWHITE  
ROBERTO D. DIBELLA  
GREGORY C. FEWER  
THOMAS A. GAUZA  
STEVEN P. HESTER  
WILLIAM R. HINTZE  
PATRICK A. KEEN  
JEFFREY D. RAEBER  
RONALD D. RALLIS  
PETER B. RIES  
GARY M. SALADINO  
KEVIN M. WALKER

## EXTENSIONS OF REMARKS

RECOGNIZING THE RETIREMENT OF PETTY OFFICER JOHN M. COOPER III

**HON. TRAVIS W. CHILDERS**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. CHILDERS. Madam Speaker, I rise today to honor Petty Officer John M. Cooper III, United States Navy. Petty Officer Cooper III is retiring from the Navy after 20 years of service to our nation.

In 1990, Petty Officer Cooper III, enlisted in the United States Navy. In his career as Hull Technician, Petty Officer Cooper III was responsible for helping to keep the fleet operational and ensuring that the navy vessels are in good condition.

During his time in the United States Navy, Petty Officer Cooper III traveled the world and received many medals and ribbons for his service. He was certified as a Quality Assurance Officer, Safety Supervisor, and Gas Free Engineer.

Petty Officer Cooper III has dedicated years of service to this nation, and for that, we thank him. I ask my colleagues to join me today in honoring Petty Officer John M. Cooper III on the occasion of his retirement from the United States Navy.

AFFORDABLE HEALTH CARE FOR AMERICA ACT

**HON. DONNA F. EDWARDS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Ms. EDWARDS of Maryland. Mr. Speaker, I object to the anti-choice amendment brought forward by Reps. BART STUPAK and JOSEPH PITTS. The Stupak-Pitts amendment goes beyond the scope of current law and effectively prohibits private insurers in the health insurance Exchange from offering insurance plans with abortion provisions. This amendment prohibits the use of federal funds from covering any part of the costs of any health care plan that includes coverage of abortion coverage, even if federal dollars do not go towards an abortion procedure. This amendment truly undermines the spirit of health care reform by rationing women's care and taking away current benefits plans that include abortion coverage.

This amendment strips women's legal right to abortion procedures and turns back the clock on decades of legal precedent and legislation.

This is a procedure that some women must consider in the interest of their health. This is a choice that no one, not a Member of Congress, or government official should make for a woman. This is a woman's choice that must be preserved. A woman's reproductive choice has been recognized by the Supreme Court of this country, and honored by the citizens and lawmakers of this country.

Please oppose this amendment and protect women's health.

IN HONOR AND RECOGNITION OF SISTER DONNA L. HAWK

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Sister Donna L. Hawk of Cleveland, Ohio, as she is named the West Side Catholic Center's Walk in Faith recipient of 2009.

Throughout her life, Sister Donna Hawk has turned her faith into action, uplifting the lives of those living on the streets. Sister Donna has become a nationally-known leader by creating and operating transitional housing for the homeless, especially for women and their children fleeing domestic violence. While working for many years as a volunteer at the West Side Catholic Shelter, Sister Donna developed a special compassion for women, many of whom had young children, who sought refuge from abusive situations.

In 1986, without funding, Sister Donna teamed with Sister Loretta Schulte to rally community leaders and developers in order to transform a motel on Cleveland's west side into Transitional Housing, Inc.—a place of shelter and source of counseling and resources for women and children in need. For more than twenty years, Transitional Housing, Inc. has served as a model for similar programs throughout the nation and across the world.

Madam Speaker, please join me in honoring and recognizing of Sister Donna L. Hawk, whose faith in action, unwavering belief in the possibility of transformation, and staunch advocacy has given strength and hope to countless women and children.

EARMARK DECLARATION

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Biotechnology Research and Development Corporation in Peoria, Illinois.

Bill Number: H.R. 2997—FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Provisions/Account: Agriculture Research Service—Salaries and Expenses.

Name and Address of Requesting Entity: The entity to receive funding for this project is the Biotechnology Research and Development Corporation at 1815 North University Street, Peoria, Illinois 61604.

Description of Request: This funding will be used to find new market opportunities for commodity agricultural products, improve efficiency of production, develop new methods of disease control for both plant and animal commodities, and facilitate communication between the government and academic scientists and American Industry.

LISTEN TO THE DISSIDENTS

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. WOLF. Madam Speaker, I would like to share with our colleagues an editorial from the November 8 Washington Post by columnist Jim Hoagland. Hoagland's piece is aptly titled "Listen to the Dissidents." Hoagland points out the limits of "engagement" as pursued by the Obama administration—particularly engagement that relegates human rights issues to the back-burner.

It is tragic that, as Hoagland points out, "the dissident—a hero and catalyst for enormous change in the Soviet empire, China, the Philippines and elsewhere only two decades ago—has become a largely neglected and absent figure in this administration's diplomacy."

I join the growing chorus of voices in urging the President to listen to the dissidents.

[From the Washington Post, Nov. 8, 2009.]

LISTEN TO THE DISSIDENTS

(By Jim Hoagland)

Barack Obama's extended hand was whacked across the knuckles by the leaders of Iran, Syria and assorted other thuggeries last week. But the Obama administration did manage a good demonstration in Burma of how its brand of engagement can and should work.

Kurt Campbell, the State Department's top Asia official, traveled to the isolated military dictatorship to talk with its corrupt junta. But Campbell also insisted on having a highly visible meeting with the leader of the country's democracy movement, Aung San Suu Kyi, and then publicly called on her persecutors to grant her party more freedoms.

This is the balance that has been missing in Obama's outreach to other authoritarian states. Demonstrators on the streets of Tehran underlined the president's missing link Wednesday by chanting: "Obama, Obama—either you're with them or you're with us," as Iranian police beat them, according to news accounts. Obama and his advisers need to take the dissidents' message to heart.

The dissident—a hero and catalyst for enormous change in the Soviet empire, China, the Philippines and elsewhere only two decades ago—has become a largely neglected and absent figure in this administration's diplomacy. Media coverage of political protest globally also seems to have waned since the end of the Cold War.

True, Obama and Secretary of State Hillary Clinton have made symbolic gestures toward the politically oppressed on their

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

travels and in pro forma statements. But, as the president's coming visit to China will again show, dissident political movements have not been incorporated into his strategy for changing the world. The president believes so strongly in his powers of persuasion that the transformative work once done by Lech Walesa, Alexander Solzhenitsyn, Corazon Aquino, Wei Jingsheng and others now falls largely on his shoulders. Campbell's meeting with Suu Kyi provided a useful corrective, for one country at least, to this tendency.

George W. Bush proved that it is possible to overdo support for dissident movements and the vilification of their tormentors, just as his father demonstrated that it can be underdone (see Bush 41's effort to keep the Soviet Union and Yugoslavia from disintegrating). The Bush 43 administration, in fact, bears some of the responsibility for the eclipse of the dissident in the public mind. The focus of many journalists' and political activists has recently been on U.S. human rights abuses rather than those of much more brutal foreign regimes.

So Obama's decision to reach out and encourage hostile regimes to relax their grip internally made initial tactical sense, especially in Iran. The administration deserves some credit for the current political fluidity there. Removing the United States as a heavy-handed, threatening enemy helped expose President Mahmoud Ahmadinejad's manifest failures of governance and helped meaningful dissent to surface and spread.

But the extended-hand tactic may have run its course there. Ayatollah Ali Khamenei, the country's highest authority, used inflammatory language to denounce Obama and the U.S.-originated proposal on uranium reprocessing given to Iran on Oct. 1 in Geneva. Even though U.S. officials claimed at the time that Iran had "accepted" the proposal—which effectively drops the long-standing U.S. demand for Iran to suspend its enrichment of uranium as a condition for negotiations—Khamenei said that its terms were unacceptable.

Meanwhile, protesters were voicing concern that Obama's single-minded pursuit of a nuclear deal is conveying legitimacy to Khamenei and Ahmadinejad—at the dissidents' expense. They did not seem to have been impressed by the general words of support contained in a message issued by Obama to mark not this political uprising but the 30th anniversary of the seizure of the U.S. Embassy in Tehran, an event celebrated in Iran but not here.

Syria also served notice that its priorities have not been influenced by Team Obama's repeated blandishments for better relations. Israel intercepted a major clandestine Iranian arms shipment destined for Syria and the Hezbollah guerrillas it supports in Lebanon. And *As-Safir*, a Syrian-controlled newspaper in Beirut, launched a vitriolic, sexist attack on Michele Sison, the able U.S. ambassador to Lebanon, that concluded by calling on its readers to "silence this chatterbox"—an ominous statement in a country where U.S. and European diplomats have been murdered.

Friendly, principled engagement is a useful tool—up to a point. It is probably worth exploring in Burma with new steps. But there also has to be a workable Plan B—something Obama will now have to demonstrate that he has developed for Iran and Syria.

HONORING FERNANDO C.  
MACHADO

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to a man whose life and pursuits exemplify the spirit of fortitude, entrepreneurship, virtues of family and citizenship demonstrated by so many of those who strive to provide food and fiber to the citizens of this great nation. Many things have contributed to California's bountiful agriculture industry and economic well-being, but one significant underlying factor in California's agricultural success has been the presence of agricultural leaders such as Fernando C. Machado. A veteran farmer and former dairyman, Mr. Fred Machado is being honored on November 18, 2009 in Fresno, California as the 2009 Agriculturist of the Year by the Greater Fresno Area Chamber of Commerce.

Fred Machado, born an American citizen on the Azores Island of Portugal in 1932, moved back to the United States with his family in 1949. After a four-year tour in the United States Navy during the Korean War, Mr. Machado returned to California in 1955 where he began to farm twenty-six acres of rented land near Easton. To make ends meet, he also worked on dairies, at cotton gins and at various other odd jobs. Today, Fred continues to farm, but on his own 800 acres of almonds, grapes, orchards and feed crops.

Fred and his family have always been involved in the San Joaquin Valley agricultural industry in a variety of capacities over the years. He was quoted recently as saying, "I will always be in farming as long as I can, I cannot get away from the dirt." Machado continued, "It's been great for us. We've made a good living, we've raised our family there . . . We're just real happy to be involved in agriculture."

A past president of the Fresno County Farm Bureau, Mr. Machado has also served on the board of directors of the National Milk Producers Federation, Challenge Dairy and Danish Creamery and several other agriculture committees in the Valley. He has extensive community service in organizations such as Veterans of Foreign Wars Post #84, Knights of Columbus #153 of Easton, Fraternal Order of Eagles Fresno Aerie #39, and the Portuguese Fraternal Organizations—I.D.E.S.S., S.E.S., and U.P.E.C.

Fred Machado has also been the recipient of a number of other awards, among which are Fresno County Farm Bureau's Distinguished Service Award, the California Farm Bureau's Distinguished Service Award, and California State University Fresno, Ag One Community Salute Award. The award Mr. Machado is receiving this November 18th is indeed a high honor in Fresno County. Fred is truly deserving of this award. It is especially fitting to congratulate and salute Mr. Fred Machado for his outstanding service to agriculture, the people of California and our nation.

LEONID NEVZLIN

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. WEXLER. Madam Speaker, I would like to bring to my colleagues' attention the achievements of Leonid Nevzlin, a person who deserves recognition as a champion of the humanities in Russia, a civic leader in his adopted homeland Israel, and a philanthropist across three continents. I am proud to pay tribute to this extraordinary man, who has dedicated his life and his resources to supporting important social efforts and has provided leadership to the Jewish Diaspora around the world. His generous support for numerous organizations has made him an example to his countrymen for taking a social stand and making giving and sharing a way of life.

Mr. Nevzlin has been instrumental in introducing democratic reforms and social responsibility to the former Soviet Union. He was directly involved in a number of projects to support Russian President Boris Yeltsin in an effort to boost civil society and democratic freedoms during the Russian Federation's transition from communism. In June 2003, after helping to establish several foundations and pro-democracy organizations, Mr. Nevzlin was elected President of the Russian National Humanities University. This university, which was created to foster the country's new liberal-minded elite, has received an unprecedented \$10 million in financial support. In the autumn of 2003, Mr. Nevzlin was forced to leave Russia, at which time he became a citizen of Israel and began to expand his efforts on behalf of the Jewish people.

Mr. Nevzlin's private manner belies the fact that he is one of the most important international Jewish leaders today. His continuous efforts to give a contemporary meaning to the concept of "Jewish peoplehood"—primarily through his deep involvement in the Museum of Jewish Diaspora in Tel Aviv—has re-energized Jewish communities and organizations around the world. Mr. Nevzlin is also one of the largest and earliest supporters of the Tom Lantos Foundation for Human Rights, established to honor our distinguished colleague's memory and to carry on his work for human rights around the world. In recognition of his activism and leadership, Mr. Nevzlin was recently named this year's chairperson of the General Assembly of the United Jewish Communities, the largest gathering of the Jewish community, which will take place in Washington, DC in the fall.

It is for all these reasons, Madam Speaker, that I believe it is fitting that we recognize Leonid Nevzlin's commitment to advancing the cause of civil society and human rights and his leadership and generous support of organizations dedicated to serving the needs of others.

RECOGNIZING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF MS. ANTHONETTE PEÑA

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor an outstanding educator and devoted mentor, Ms. Anthonette Peña. Anthonette teaches eighth grade science at Howell L. Watkins Middle School in Palm Beach Gardens, FL and is indeed among Florida's best and brightest. A standout among her colleagues with a passion for teaching and shaping educational policy, Anthonette has earned an esteemed Albert Einstein Distinguished Educator Fellowship for a second year in a row.

I welcome Anthonette to Washington and am certain that her time at the office of the Division of Research on Learning in Formal and Informal Settings at the National Science Foundation (NSF) will be an enriching learning experience for all involved. Anthonette hopes to use this fellowship year to raise awareness about the importance of community organizations and government in motivating students to excel in science and mathematics. I laud her commitment to creating more scholarships for students of under-served populations so they, too, may benefit from science, technology, engineering, and mathematics (STEM) opportunities.

In her home state of Florida, Anthonette is very active in her local community. In addition to securing several grants for science related programs, she also dedicates her time as a mentor for beginning teachers. Anthonette believes that employing cross-curricular lessons is key to developing well-rounded, critical thinkers. When she organized her school's first Girl Scout troop, she not only incorporated STEM activities, but brought learning opportunities from inside the classroom into the community.

Anthonette has worked hard to earn this distinction, and exemplifies the possibilities that a good education offers. She earned her B.A. in Liberal Studies at California Polytechnic State University, San Luis Obispo and her M.S. in Education at Nova Southeastern University. Recognizing the importance of a well-balanced education in today's ever-shrinking world, Anthonette also studied abroad at The University of Valladolid in Spain, while also participating in the Japan Fulbright Memorial Fund Teacher program and the Toyota International Teacher Program in Costa Rica.

Madam Speaker, I truly appreciate the work that Anthonette Peña and Florida's teachers do every single day in preparing our nation's leaders of tomorrow. She has long demonstrated excellence and dedication to teaching worthy of the Albert Einstein Distinguished Educator Fellowship, and I congratulate her double on this achievement.

IN HONOR OF JOHN TIMOTHY "JACK" MULHALL, SR.

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor of John Timothy "Jack" Mulhall, Sr., for his lifelong dedication to the service of others, and especially for his commitment to helping tens of thousands of people build lives based on a platform of hope, strength and sobriety.

Mr. Mulhall grew up in Cleveland and graduated from Holy Name High School. He joined the Army, and in July, 1944 at a USO dance in Natchez, Mississippi, he met the love of his life, Estelle Jones. They married three months later on October 28th, 1944 at St. Mary Basilica Church in Natchez. He was later deployed overseas, surviving battles in both Germany and France, and suffering severe frostbite while there. Before his honorable discharge in 1946, he achieved the rank of Master Sergeant and was awarded several commendations, including the Presidential Citation, the Good Conduct Medal, and the Overseas Service Medal. He returned to Cleveland and began building a new life with his wife. He played semi-professional baseball during his twenties, worked at Republic Steel and Standard Oil, then General Tire and Rubber. Together, he and Estelle raised eleven children. Married for nearly 65 years, the joy of their lives are their eleven grown children, 31 grandchildren and 16 great-grandchildren.

Mr. Mulhall discovered what would become his life's work in 1972, when he began reaching out to help individuals, young and old, break free from the pain of alcohol and chemical addiction. For nearly forty years, he has remained steadfast in his focus. From 1972 to 1991, Mr. Mulhall served as the director of Stella Maris Detox Hospital. He later co-founded the Freedom House, Inc., a sober living facility—established to fill the critical need to provide a sober environment and treatment for any individual, regardless of their ability to pay. He left Freedom House in 1998 to co-establish the Ed Keating Center, Inc., an organization with the same mission and the dedication to providing service as Freedom House. The Ed Keating Center relied entirely on private donations from individuals and corporations, receiving no public assistance. The Center continues to serve the Cleveland community restoring lives, re-connecting families, and giving people, especially those without health insurance or those unable to afford treatment, the tools to live sober, healthy, happy and productive lives. Over the years, Mr. Mulhall positively impacted the lives of more than 60,000 women and men.

Madam Speaker and Colleagues, please join me in honor of John Timothy "Jack" Mulhall Sr., for his efforts, vision and work creating havens of strength, comfort, hope and healing. Because of Mr. Mulhall's compassion and unwavering focus, institutions like the Ed Keating Center exist as a lifeline, providing vulnerable citizens the treatment they need to end the devastating cycle of addiction. These people become free to live happy, productive, drug and alcohol free lives, which in turn uplifts and strengthens our entire community.

A TRIBUTE TO DEACON WILLIE JAMES

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Deacon Willie James, an extraordinary community organizer who will be missed by Brooklyn.

Deacon Willie James a native New Yorker, was born in Harlem Hospital on April 28th, 1936. When he was 18 years old he entered the Air Force and served 4 years doing a stint in Maine and Morocco. Of his many accomplishments, he was a very proud member of the 80th Supply Squadron and received the Good Conduct Medal for his demonstration of honor, efficiency and fidelity.

Willie had a true love of music and was an accomplished Baritone. While in the service, he and a few other airmen formed a doo-wop vocal group that covered songs by the Platters as well as other groups. Willie would often say that the group was so good that the people in Morocco actually thought they were the real Platters!

Later in life he would return to Harlem finding work as a shipping clerk. What Willie considered the highest point in his life, was when he met and married his late wife of 41 years, Rosabelle Moyd. It would prove to be a blessed union of love. Shortly after marriage, he joined the New York City Police Department and then in 1967 began his career with the Transport Workers Union (TWU) Local 100 under the Manhattan and Bronx Surface Transit Operating Authority (MABSTOA). He started with a metal-plating company where he was assigned to a unit with workers who were perceived by some to be derelict workers beset by alcohol and laziness.

Never one to look down upon anyone, but seeing the opportunity to help others; he discovered his masterful skill of organizing workers. He told workers if they worked with him he would make a case to management to get them higher wages. After a series of meetings and negotiations with the bosses, he won raises for the workers and developed a promotional ladder for himself.

He rose through the ranks of TWU Local 100 and held a series of positions; MABSTOA DIVISION II Bus Operator, Division II Recording Secretary, Vice Chairman, Chairman at Amsterdam Garage, Executive Board as Director of Education and Training and Financial Secretary Treasurer. As he continued climbing the ladder of TWU he recalled how he continuously endured blatant racism; but in February 1996 he defied the odds to become the first black President of TWU Local 100. He was quoted as saying "The members don't care what color I am as long as I protect their jobs".

In addition to his roles with TWU Local 100 he was Vice President of New York AFL-CIO, Vice President of the New York City Central Labor Council and Vice President of international TWU. He also held the title of Chairman for one of the oldest and largest Credit Unions in the State of New York, the Municipal Credit Union. Willie would further his accomplishments by attaining the post of Executive Board Member of the New York Branch of the NAACP.

I could continue to list all of Deacon Willie James' accomplishments, because they go on and on. I will just say that the world will truly miss this deeply involved civic community organizer. I am happy that I had the opportunity to work with him on many special projects and to live during his lifetime.

Madam Speaker, I urge my colleagues to join me in recognizing Deacon Willie James.

#### REVITALIZING THOMSON, ILLINOIS

### HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. MANZULLO. Madam Speaker, I rise today in strong opposition to the Administration's plan to link economic development in the district that I have the honor to represent to the transfer of dangerous terrorists from Guantanamo Bay, Cuba.

The hardworking people of northern Illinois have waited too long for the promise of economic stimulus and are looking for good paying employment opportunities. It is absolutely unnecessary to condition job creation with the wholesale importation of over 200 battle-hardened terrorists that could dampen long-term economic growth in that region.

Today, I am introducing legislation to authorize the federal government to purchase the maximum security correctional facility located in Thomson, Illinois for the purpose of alleviating an already overcrowded federal penal system while prohibiting the transfer of terrorist detainees from Guantanamo Bay, Cuba. If passed, my legislation would bring good jobs to northern Illinois while keeping our communities safe. Thomson and the surrounding rural areas of Carroll County suffer from chronic high unemployment and population loss. Currently, Carroll County has an unemployment rate of 10.5 percent. Thomson has an unemployment rate of 11.8 percent and has unfortunately experienced a negative population growth rate of 4.5 percent since 2000. Fulfilling the promise of the Thomas Correctional Center will bring eagerly anticipated economic activity to the region.

For years, I have been encouraging the State of Illinois to utilize this prison after so much was invested to build the facility. Unfortunately, my requests went unheeded. Now, we have a unique opportunity to help both the federal government with its need to reduce prison overcapacity and the local community with its need for economic development.

The Federal Bureau of Prisons estimates that purchasing the facility near Thomson will cost approximately \$120 million. My legislation provides sufficient flexibility in funding to purchase and transfer federal prisoners to this facility. However, the legislation specifically prohibits the federal government from housing any terrorist detainees currently at Guantanamo Bay, Cuba, at this site or any other federal, state, or local facility in Illinois.

Madam Speaker, the good people of Thomson and the rest of Illinois' 16th Congressional District have waited too long for this government to fulfill its promise to "save or create" jobs. Given the overcrowding in America's prison system, let's use the Thomson correctional facility to house non-terrorist prisoners and create the jobs so vital for our families.

Now is the time to stop linking job creation to the transfer of terrorist detainees and work towards a sensible compromise on this issue. I urge my colleagues to support this bill.

#### RECOGNIZING MAJOR NANCY J. JOHNSON—SCOTTSDALE HEALTHCARE'S "SALUTE TO MILITARY" HONOREE

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to recognize an outstanding member of the Armed Forces from my home state of Arizona. Each month, Scottsdale Healthcare honors military personnel who perform exceptionally in the medical field in defense of our country. Scottsdale Healthcare has recognized Major Nancy J. Johnson for the month of November.

I commend Scottsdale Healthcare for paying tribute to Major Johnson for her life-saving expertise and honorable service to our country.

Major Johnson distinguished herself through her outstanding performance as a Chief Nurse in Qatar. She led her team and provided superior medical support to more than 8,000 deployed military members. Her clinical expertise and management skills guaranteed expeditious transport of critically wounded soldiers to higher levels of care that saved lives, limbs and eyesight.

Madam Speaker, please join me in recognizing this courageous Air Force Nurse Corps leader for serving our country and protecting the lives of her fellow service men and women in combat.

#### JOHN L. RAY

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mrs. CAPITO. Madam Speaker, I rise today to honor John L. Ray, in celebration of the 100 years since the Charleston Public Library opened in 1909.

John V. Ray Sr., a library patron, held the position as president of the library board for more than 30 years, where he helped write the Kanawha County Public Library Act that would see its way through the West Virginia Legislature. This guaranteed that libraries would be granted a share of the property taxes which came to the Kanawha County Board of Education, the Kanawha County Commission and the city of Charleston. It was a key piece of legislation that kept a stream of funding for libraries.

His son, John L. Ray followed in family tradition when he took over as Kanawha County Public Library board president in 1988. An avid library supporter himself, John had a vision for the county and what purpose libraries would serve. His plan brought new buildings to Cross Lanes, Sissonville, a combined public/school library at Riverside High, and a designed replacement for the downtown Charleston library.

An institution that serves all people, libraries remain a beacon for communities because of

the more than twenty years John has spent as board president. He led the rapid development as card catalogs were replaced by electronic catalogs. He came up with a long-range plan that would bring new buildings to the county to ensure that libraries could continue to serve their public function.

It is an honor to recognize John L. Ray. With his hard work and leadership, we are able to celebrate 100 years since the opening of the Charleston Public Library. It says great things about West Virginia to have people like you represent our great state.

#### EARMARK DECLARATION

### HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Peoria Riverfront Development, Peoria, Illinois.

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010

Provisions/Account: U.S. Army Corps of Engineers—Investigations

Name and Address of Requesting Entity: The entity to receive funding for this project is the Rock Island District of the U.S. Army Corps of Engineers located at Clock Tower Building, P.O. Box 2004, Rock Island, IL 61204.

Description of Request: The funding would be used to enhance aquatic habitat in the Peoria Lake.

#### CONGRATULATING "THE WAVE"

### HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. WEINER. Madam Speaker, I rise to recognize the extraordinary work of the journalists, editors, and staff of the Wave, a neighborhood newspaper in Rockaway, Queens that was recently named "The Best Neighborhood Paper" in New York City by New York's Village Voice.

The Wave has been serving the many communities of the Rockaway peninsula for 116 years. Each Friday, residents read this venerable publication not only to stay informed about the peninsula, but also to make sure their voices are heard and not forgotten by City Hall, Albany, and our nation's capital.

The Wave's managing editor Howard Schwach, and all its reporters have been instrumental in turning this local weekly into the most widely read newspaper in Rockaway. Through their work these journalists remind us all of the essential role that the neighborhood press play in telling the stories often missed in the commotion of cable television and the twenty-four hour news cycle.

This outstanding newspaper has covered everything from shootings and burglaries to the mystery surrounding the abrupt shuttering of a long-time Catholic high school. Furthermore, it provides a crucial forum for residents

to express their opinions on happenings in their community, problems affecting their city, and issues of concern throughout the country.

It is the stories that they tell which should remind us all of the “facts on the ground”—the stories to inform and inspire our policy and legislative work. It can change the world by making seen the invisible, teaching the unknown, and challenging the conventional wisdom.

We all should commend The Wave; its publisher, Susan B. Locke; its general manager, Sanford M. Bernstein; its managing editor, Howard Schwach; its art director, Felicia Scarola-Edwards; its sports editor, Elio Velez; its staff reporter, Nicholas Briano; its contributing editor, Miriam Rosenberg; art assistants James Corbin, Carolina Cohen, Mike Delia, Judy Gardonyi, Colleen Mulvey, Janette Rappo, and Don Rodriguez; and columnists Erin Baumann, Nancy Brady, Jon Paul Culotta, Dorothy Dunne, Dr. Nancy Gahles, Marilyn Gelfand, James Glasser, Liz Guarino, Susan Hartenstein, Emil R. Lucev, Linda Marshak, Stuart Mirsky, Dr. Tim Rohrs, Mornam Scott, Robert Snyder, Robin Shapiro, and Stephen Yaegar for their incredible work and congratulate them all for this honor.

A TRIBUTE TO ELAINE ARMSTRONG VALL-SPINOSA COCHRAN DUNKLE

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. HOYER. Madam Speaker, I rise today to recognize Mrs. Elaine Armstrong Vall-Spinosa Cochran Dunkle for her inspiring leadership and devoted service to both her community and country. For the past 54 years she has applied her considerable skill to promoting civil discourse and civic engagement across both state and party lines. She has served, and continues to serve, as a bastion of inspiration for those who adhere to the principle that democracy is not an idle state, but a work in progress that expects our involvement should it seek to endure.

On May 14, 1915, Elaine was born into a society that did not permit women to vote. Five years later, Congress ratified the 19th Amendment, giving women the right to vote under the U.S. Constitution. Elaine can recall her father giving her mother instructions on how the voting process worked. It was a memory she carried with her when, at age 21, Elaine cast her first ballot for Franklin Delano Roosevelt in the 1936 Presidential election.

After college, Elaine became a history teacher, and it was at the helm of a classroom that she first experienced a deep connection with politics. She felt a tremendous sense of responsibility to the children she taught, and to honor that, took the time to educate herself and them on the great issues of their day, such as Roosevelt's “New Deal” and the Marshal Plan. She left teaching, however, to raise her own family and it was shortly thereafter that Elaine was invited to a life-changing meeting of Virginia's League of Women Voters.

Rising the ranks within Virginia's delegation, Elaine soon found herself guiding the League in an attempt to prevent Congress from dis-

mantling price controls in the midst of the Great Depression. Believing that price controls were crucial to keeping household staples affordable for the average Depression-stricken family, she led a motorcade with League representatives from all 48 states to the Capitol. Together, they succeeded in convincing Congress to delay the dismantling of those controls.

Years later, Elaine was still active within the League of Women Voters. Now residing in Maryland, she played a vital role in a countless number of the League's Calvert County endeavors. As President of the Calvert County unit, she oversaw a number of initiatives aimed to increase public awareness of political issues. These included the hugely popular “Know Who's in Charge” pamphlet and the Calvert County Voter's Guide. One of her reigning achievements was her League's invaluable role in building the Chesapeake Bay Coalition—a union of five states joined in the fight to preserve and protect America's largest estuary. With the use of independently-funded studies, Elaine and her League members poured endless hours into persuading policymakers that it was the right action to take for our country. They succeeded.

Madam Speaker, Thomas Jefferson once wrote that “we in America do not have government by the majority—we have government by the majority of those who participate.” Elaine Cochran Dunkle has spent her life participating and as a consequence has left a lasting mark on our country. I extend my sincerest thanks for her tireless commitment to our nation and for all the many accomplishments that commitment has engendered.

CONGRATULATING THE UNIVERSITY OF SOUTH CAROLINA'S WOMEN'S SOCCER TEAM

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. WILSON of South Carolina. Madam Speaker, I would like to congratulate the University of South Carolina's Women's Soccer team for winning their first Southeastern Conference tournament title. The Gamecocks had only three regular season losses and beat Georgia, Florida and LSU to clench their first SEC title.

On Sunday, the Gamecocks not only recorded their second shutout in the first two rounds of the NCAA tournament, but USC Coach Shelly Smith also claimed her 100th win at USC. Now the team will advance to the round of 16 for the first time in program history.

With leaders like defender Blakely Mattern, forwards Kayla Grimsley and Brooke Jacobs, co-captain Kim Miller, and goalkeeper Mollie Patton, I'm confident the USC women's soccer team will make us all proud.

Congratulations to the student athletes and their families—we wish them luck as they make their run for a national title.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

HONORING GEORGE ELLMAN

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Ms. WOOLSEY. Madam Speaker, I rise today to honor George Ellman of Sonoma, California, who died on September 27, 2009, after a lifetime of community activism, leadership, and dedication to protecting the environment which included promoting public transit in Marin and Sonoma Counties.

Born in Chicago in 1923, Mr. Ellman received a degree in biochemistry at the University of Illinois and completed a master's degree at the University of Washington where he met his future wife, Phyllis. The Ellmans moved to Pasadena where George earned a Ph.D. at Cal Tech. In 1957, as a young scientist at Dow Chemical Co. in Michigan, he developed the Ellman Reagent, which became the standard clinical lab procedure for measuring enzymes and proteins. Moving to Tiburon in 1958, George was the chief research biochemist at the Langley Porter Neuropsychiatric Institute and professor in the Department of Biochemistry at UC Medical Center.

With a passion for public service, George served on the Tiburon Parks and Recreation Committee and was elected to the Tiburon City Council, serving as Mayor, and representing the city of Tiburon on the Bay Conservation and Development Commission and the influential Bay Area-wide Metropolitan Transportation Commission, where he developed a lifelong interest in transportation issues. While living in Tiburon, George and Phyllis were active in the effort to keep Richardson Bay from being filled and developed. They helped preserve and protect Blackie's Pasture and Lyford House, which kept them from becoming part of a proposed 4-lane expansion of Tiburon Boulevard.

After moving to Sonoma County in 1980, George devoted himself to helping the environment. He served for 28 years on the board of “People for Open Space” which became Greenbelt Alliance, and used this experience to help forge the Sonoma County Agricultural Preservation and Open Space District in 1990. George also served as a board member of the National Audubon Society and went on to help establish the Sonoma Ecology Center.

Mild mannered and good humored, George was a respected activist with an unrelenting persistence to do the right thing. With a passion for public transit, George worked tirelessly to bring back passenger rail service linking Sonoma and Marin Counties. The biggest booster for the Sonoma Marin Area Rail Transit, SMART, George lived to see voters pass the quarter-cent SMART sales tax measure last November, which will help fund the 70-mile rail service through the two counties. Scheduled to roll down the tracks in 2014, the SMART board has agreed to honor his request that his ashes ride on the first SMART train out of the station.

Dr. Ellman was also a classically-trained pianist and co-founded the Sonoma Classical Music Society. Dedicated to the environment, environmental education and bringing music to the community, to sustain this, the Ellmans established the Ellman Fund at the Community Foundation of Sonoma County.

George was a devoted husband and father. His wife of 60 years, Phyllis, died last June. He is survived by his daughter, Judy Ellman of San Francisco; brother, Charles of Georgetown, Kentucky, and many nieces and nephews.

Madam Speaker, George Ellman will be missed by so many who shared in his work and dreams. He believed that creating a better world was both necessary and possible. It is fitting to recognize his dedicated efforts to preserve open space in Marin and Sonoma Counties as well as his tireless leadership to help reduce carbon emissions, promote smart growth, and bring back commuter rail service. I join the many people who will miss George Ellman's inspiration, friendship and bright spirit.

CONGRATULATING THE MESA  
FIRE DEPARTMENT VOLUNTEER  
CORPS ON RECEIVING THE FIRE  
CORPS AWARD OF EXCELLENCE

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate the Mesa Fire Department Volunteer Corps for winning the 2009 Award of Excellence. Sponsored by the International Fire Service Training Association, this award recognizes the department's outstanding performance in delivering fire and emergency services.

The Mesa Fire Department created the Volunteer Corps in 1998 in order to better connect residents to vital community services after recognizing a gap in their own service. After emergency personnel responded to an initial 9-1-1 call and left the scene, residents were often unaware of further resources available to them. What began as a small cadre of 10 committed volunteers has since grown into a far-reaching program of 130 volunteers responding to over 3,800 calls every year.

The Volunteer Corps is made up of several programs which provide services such as emergency scene transport, grief support, and home safety inspections. In 2008, the Corps provided 29,000 hours of service and saved the community \$585,599.

Particularly during these tough economic times, it is heartening to see so many members of our community devoting their time and energy toward serving one another. I think these volunteers should be proud of what they have accomplished, and know that we are all grateful for their service.

PERSONAL EXPLANATION

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. GERLACH. Madam Speaker, unfortunately, on Monday, November 16, 2009, I missed three recorded votes on the House floor. Had I been present, I would have voted "yea" on rollcall 889, "yea" on rollcall 890, and "aye" on rollcall 891.

HONORING ED EAMES

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. WITTMAN. Madam Speaker, I rise today to pay tribute to Mr. Ed Eames.

Ed Eames was a resident of Fresno, California and was a committed advocate for individuals with disabilities. At the age of 42, Mr. Eames lost his sight and this life-altering circumstance motivated him to strive for the improvement of services for the disabled.

Ed was a devoted husband to his beloved wife, Toni, who is also blind. They met when he was writing a book on guide dog schools and asked her to be a co-author. Ed and Toni co-authored two books, numerous magazine columns and articles, and even scripted the award-winning video, "Partners in Independence". The couple also co-taught a class on the sociology of disabilities at California State University, Fresno. Furthermore, along with their guide dogs, Latrell and Keebler, Ed and Toni traveled the world to further their joint commitment to assistance dog programs for the disabled.

Mr. Eames was active in his community and was a fervent supporter of the addition of sidewalks for wheelchair ease and accessibility in the Fresno area. Mr. Ed Eames was the founder and President of the International Association of Assistance Dog Partners. He served on the Americans With Disabilities Act Advisory Committee for Fresno Area Express and was also a member and former president of the North Fresno Lions Club.

On October 25, 2009 at the age of 79, Ed Eames passed away. He will be greatly missed by all who knew him and the work that he did for the disabled will never be forgotten.

HONORING THE LIFE AND SERVICE  
OF MORRIS BENJAMIN ZEIDMAN

**HON. PETE OLSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. OLSON. Madam Speaker, I rise today to honor the life of a great American—a man who gave much for his community and country, Morris Benjamin Zeidman, who passed away on November 13.

Mr. Zeidman was born on February 21, 1909 in Brooklyn, New York. He met and married Beatrice Schwartz, who he accompanied back to Wharton, Texas. It was in Wharton that Mr. Zeidman got his start in business by joining the Schwartz family's dry goods store. He ran the store until his retirement in 1992. In 1990, he lost his wife Beatrice. In 1994, Mr. Zeidman married his second wife Marjorie Franklin. They shared eleven joyous years until her death in 2005.

Morris Zeidman served his country in World War II and fought in the D-Day Invasion on June 6, 1944. Throughout his life, Mr. Zeidman served his community as a leader in numerous organizations, including the Lions Club, the Shriners, the Chamber of Commerce, the American Legion, the Wharton Industrial Foundation, and the Boy Scouts of America. He also served as president of the

Shearith Israel Synagogue and was active with B'nai B'rith.

Morris Zeidman led a life that was truly admirable and that placed service to country and others above self. Our thoughts, prayers, and sympathy go out to all the family members of this truly great American.

CONGRATULATIONS LEE COLLEGE  
75TH ANNIVERSARY

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. POE of Texas. Madam Speaker, congratulations to Baytown's Lee College on entering its 75th academic year. It is one of the fastest growing community colleges in the nation with over 9,000 enrolled students. Furthermore, Lee College offers over 130 degrees and certificates, and is 6th in the nation for degrees awarded in science and technologies.

In 1931, the Board of Trustees of the Goose Creek Independent School District agreed that a local junior college should be established. Three years later, in 1934, Lee Junior College was founded to serve that purpose. Since its creation, Lee College has seen significant expansion. Enrollment for Lee College's opening semester was a mere 177 students, but current enrollment is more than 50 times that initial number, with over 9000 students enrolled in academic, technical education, and non-credit continuing education programs at the college.

With Lee College students going on to contribute in vital areas of our society, this college has become a very valuable institution of education for my district and for Texas.

TRIBUTE TO AMY ELIZABETH  
CORWIN

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. SHERMAN. Madam Speaker, I rise today to honor the life of Amy Elizabeth Corwin, who tragically passed away on July 2, 2009 after a long battle with a brain tumor. Amy served as an intern in my District Office during the summers of 2004 and 2005. Her intellect, warm and engaging personality, and enduring strength have left an indelible impact upon me and my staff.

Amy was born on January 26, 1984 to Joel and Linda Corwin of Westlake Village, California. She had one younger sister, Diana Corwin. From an early age, Amy expressed a love of cultures and travel and a keen aptitude for learning foreign languages. She enjoyed learning about history and architecture, attending the theatre, and exploring museums. While a student at Emory University, Amy spent a semester abroad in Salamanca, Spain, where she immersed herself in the local culture. In Salamanca, Amy stayed with a host family who spoke no English, and she took classes given strictly in Spanish that were attended by Spaniards and students from all over the world. Amy would go on to graduate from Emory in 2006 with her Bachelor of Arts degrees in Political Science, Spanish and Portuguese.

During her internship, Amy served as an invaluable member of my District Office team. On numerous occasions she effectively assisted my Spanish-speaking constituents. In addition to her constituent-service skills, Amy acted as a mentor to new interns. Her warmth, ability to relate to people, and knowledge of public policy issues were evident. Amy effortlessly and ably engaged in political discussions and it became clear that Amy was indeed wiser than her years.

More than anything else, Amy loved spending time with her family and friends. She was a warm and loving daughter, sister, and friend. She was intelligent, compassionate and wanted to find a way to make the world a better place for everyone she encountered. Amy was a terrific athlete and a fierce competitor on the tennis court, and she applied this mentality to all areas of her life. When confronted with a terrible illness, she fought valiantly and she never lost hope that she would beat the disease. Amy was a selfless and caring individual who never wanted to burden others with concerns about her health. She never allowed her illness to change who she was; she remained optimistic and upbeat throughout her life. She wished to be remembered for the person she was, not the illness she endured.

Although Amy's years on this planet were short, her life, nevertheless, was rich. And for all those who had the privilege of meeting or knowing Amy, our lives were made richer as a result. I offer my deepest condolences to Joel, Linda, Diana and to the rest of Amy's family and friends. She will be greatly missed.

HONORING PAM HEAVENS FOR HER TWENTY YEARS OF SERVICE AS EXECUTIVE DIRECTOR OF THE WILL-GRUNDY CENTER FOR INDEPENDENT LIVING

### HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mrs. HALVORSON. Madam Speaker, this fall Pam Heavens celebrates her twentieth year as Executive Director of the Will-Grundy Center for Independent Living. On behalf of the 11th Congressional District of Illinois, I would like to commend Pam for her years of selfless service on behalf of disabled Illinoisans.

As Executive Director, Pam has fought on behalf of thousands of disabled Will and Grundy County residents. The Center serves disabled citizens young and old, including our brave veterans. By offering services ranging from the Low Vision Loan Center to the Home Ownership Program, the Will-Grundy Center for Independent Living helps people with disabilities achieve their goals.

Pam has successfully led the Center through challenging times. The Center has increased services in the midst of a financial climate that has forced many organizations to cut services as they lose important funding sources.

Aside from her duties running the Center, Pam has worked with non-profits and governmental agencies at the local and state level to improve the lives of disabled persons. For example, through the Accessible Cities Alliance, Pam worked to ensure disabled consumers

had access to local businesses through such efforts as the creation of accessible indoor walkways and the construction of wheelchair ramps.

Pam knows firsthand the importance of fighting for disability rights because she lives with cerebral palsy. Despite this challenge, Pam routinely works a sixty-hour work week on behalf of disabled individuals. Pam's dedication and perseverance should serve as an inspiration to all of us.

### TRIBUTE TO MIDLAND DOW BOYS TENNIS TEAM

#### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. CAMP. Madam Speaker, I rise today to commend the team members of the Midland Dow High School Boys Tennis Team. They have represented the town of Midland well with their perseverance and athleticism, and we are very proud of their accomplishments.

The Chargers won the Division Two Boys State Tennis Championship on Saturday, November 17, 2009, after defeating Battle Creek-Lakeview High School: 30-23. This win gives Midland Dow their first Boys Tennis state championship since 1984.

Additionally, this Chargers team was the embodiment of both teamwork and determination. Led by Coach Terry Schwartzkopf, these boys were also models of sportsmanship and set good examples on and off the court.

Team members include: Juan Guerra, Alekzander Davila, Santiago Guerra, Jonathan Gurnee, J.P. Gurnee, Jon Templeman, Austin Woody, Kevin Winegar, Jacob Poliskey, Nate Karsten, Brandon LaFreniere, Alex Haslam, David Read, and Scott Kendall.

I am honored today to recognize the Midland Dow Boys Tennis Team for their accomplishments, and congratulate them on their state championship.

### HONORING ANGEL TORRES

#### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Ms. ROS-LEHTINEN. Madam Speaker, I rise to congratulate Angel Torres, distinguished journalist and member of my South Florida community, for receiving the 2009 National Award for Journalism given by the National Journalists Association of Cuba in Exile. It is with great pride that I recognize his exemplary work and dedication to sports and journalism throughout the years. Angel, born in La Havana, Cuba, always shared a great passion and interest for baseball. He started playing in the Free Amateur Tournaments of the Stadium with San Pedro and later became manager-player in the Winter Amateur Championships of Octavio Diviñó at Arroyo Naranjo supervising Nebraska, where he received a medal for his distinguished handwork of the immortal Martin Dihigo.

Torres graduated from the Cuban-American Institute and the English Special Center at Jesús del Monte in 1947. By 1952 he grad-

uated of Broadcasting and Journalism sponsored by the National Broadcasting School of Cuba in Radio Progreso. Throughout his sterling service to journalism, he wrote commentaries on sports and jazz for numerous programs like "Pequeños Conjuntos de Grandes Músicos" and "Bandas Innovadoras de Jazz", among many others. After arriving to the United States this inspiring journalist became the only Latin-American and Cuban author with five books in the Baseball Hall of Fame at Cooperstown, New York. His sports literature served as a renewed hope for Cubans in exile to remember and restart Cuban baseball in the veteran games in New Jersey and Miami. At the same time his work created awareness about Cuban baseball players and about the extinct Professional Cuban Baseball League. As a journalist and member of the Cuban community, Angel Torres was presented in January 28, 2007 by the Patronato José Martí in California, with the most prestige recognition to a Cuban in exile, the White Rose of the commemoration to Apostle José Martí.

Once again, I would like to express how proud I am of Angel for his dedication to journalism, baseball and the Cuban community. His legacy in sports and journalism will serve as an example for our community and as inspiration for everyone to pursue their goals and dreams with commitment and passion.

### 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. WOLF. Madam Speaker, "Mr. Gorbachev, tear down this wall."

Against the counsel of the State Department and others in Washington's foreign policy establishment, President Reagan uttered these six words standing at the Brandenburg Gate June 12, 1987—words that marked his presidency and defined an era.

Former Soviet spy Whittaker Chambers famously said when he defected that he believed he was joining the right side by rejecting communism, but that he was leaving "the winning side for the losing side."

Reagan however, who was himself indelibly shaped by Chambers' account of his defection in the historic book *Witness*, always believed he was on the winning side.

Unbothered by those who cautioned that he would offend the Soviets, Reagan, the eternal optimist, felt compelled to issue this challenge to Gorbachev believing what seemed to be unimaginable at the time—that one day the wall would in fact fall.

Erected in 1961 the Berlin Wall was an enduring symbol of communism—a physical manifestation of the divide between East and West, free and captive.

With rapt attention, many Americans gathered around their televisions 20 years ago as scenes emerged of East Berliners pouring across the border, tearfully embracing strangers, and raising glasses of champagne as they rejoiced with West Berliners in their newfound liberty—the free world rejoiced with them.

For decades an epic struggle had been underway between two vastly different

ideologies. Then, in the span of a year, three giants converged on the world scene and human history was forever changed. England's Iron Lady, Margaret Thatcher, Poland's native son, Pope John Paul II, and our own Ronald Reagan boldly championed freedom, inspired hope in millions and gave those living behind the Iron Curtain the courage to imagine a world transformed.

While the Soviet Union is relegated to the history books, today there remain ideologies that threaten human freedom and dignity. There remain governments who rule by fear. There remain people held captive in their own nation.

Similarly, there are those who still warn that America ought not meddle in other countries internal affairs. There are still those who caution against disrupting bilateral relations. There are still those who maintain that the desire for freedom and basic human rights is not universal.

But the events of 20 years ago teach us something very, very different.

Ask the Sharanskys and Solzhenitsyns whose lives in prison improved when leaders in the West spoke out on their behalf. Ask the thousands of East Berliners who, facing certain death if caught, dug tunnels, constructed hot air balloons and built pulleys in their desperate attempts to escape a literal prison.

There are lessons to be drawn from this anniversary—lessons which must inspire our foreign policy today. People yearn for freedom, they crave dignity. These things are not bestowed by the government and as such cannot forever be denied by the government. People are inspired by words. Dictators cower when their lies are exposed. And seemingly impenetrable regimes can find themselves on "ash heap of history."

COMMENDING THE WINNERS OF  
THE 2009 NOBEL PRIZE IN MEDICINE

**HON. JOHN P. SARBANES**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. SARBANES. Madam Speaker, I would like to commend the winners of the 2009 Nobel Prize in Medicine, particularly Dr. Carol W. Greider, a professor of molecular biology and genetics at Johns Hopkins University School of Medicine, for discovering how chromosomes are protected by telomeres and the enzyme telomerase. The research of Dr. Greider, along with her colleagues Dr. Elizabeth H. Blackburn and Dr. Jack W. Szostak, has created a greater understanding of how chromosomes protect themselves from degrading when cells divide. This has unlocked mysteries about the human aging process and will have an enormous impact on fighting cancer and many other inherited diseases caused by telomerase defects.

I applaud Dr. Greider's outstanding achievement as it reflects many years of study and hard work, a deep commitment to scientific innovation, and a desire to have a positive impact on peoples' lives. Her achievement is all the more significant in that only 8 of the 192 individuals to receive this prize have been women. I hope her success will inspire young women to enter the field of science.

Congratulations to these scientists for their groundbreaking work in the field of medicine and for their extraordinary contributions to humankind.

HONORING ERROTABERE RANCHES

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to a family farming operation whose owners exemplify the spirit of fortitude, entrepreneurship, and advocacy demonstrated by so many of those who strive to provide food and fiber to our great Nation. Much has contributed to California's bountiful agriculture industry and economic well-being, but one significant underlying factor in California's agricultural success has been the presence of families such as the Errotabere family. A diversified family farming operation in Fresno County, Errotabere Ranches is being honored on November 18, 2009 in Fresno, California as the 2009 Baker, Peterson & Franklin Ag Business Award recipient.

Though the Errotabere story didn't begin in the United States, the Errotabere family has clearly added strength to the fabric of this great Nation since coming to America. Jean Errotabere was born in a French-Basque village in France called Aldudez just two miles from the Spanish-French border. He came to Riverdale, California in the late 1940s to work with his brother on their ranch which was started in the late 1920s. Georjianne, a native of Vancouver, Canada, also came to the Central Valley of California to look for work. While waitressing at the Santa Fe Basque Restaurant in downtown Fresno, now known as the Sheppard's Inn, she met Jean Errotabere and their life together began.

Over the next 3 decades, their family and their business continued to grow and at the time of Jean's death, in 1979, their sons Dan, Jean and Remi, took over the ranch operations. Together with their wives Susan, Colleen, and Maureen the Errotaberes have developed a diversified family farming operation that now spans over 5,500 acres throughout western Fresno County. Among the crops the operation grows are almonds, pistachios, processing tomatoes, garlic, pima cotton, alfalfa, wheat, safflower, Romaine lettuce, processing onions, seed lettuce, cantaloupes and honeydew melons.

Errotabere Ranches has been actively involved in Agricultural Organizations, Riverdale schools, the Jordan College of Agriculture Sciences and Technology at California State University, Fresno and the Fresno County Farm Bureau. Errotabere Ranches President Dan Errotabere has been recognized and praised as a crusader for agricultural water issues, including his role in negotiating the historical treaty between Westlands Water District and the Friant Water Users Authority in 2004.

"This great Valley that we have is certainly the envy of the world," Errotabere was recently quoted as saying. "It's a promising story for California that agriculture can do as much as it can."

It is a pleasure to honor and congratulate the Errotabere's "can-do" attitude and repeated earnest advocacy for Agriculture. The

Errotaberes are truly deserving of this great honor and I salute the entire family for their accomplishments and contributions to Agriculture in California and the Nation.

WORLD DAY OF REMEMBRANCE  
FOR ROAD CRASH VICTIMS AND  
THEIR FAMILIES

**HON. ROBERT WEXLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. WEXLER. Madam Speaker, I rise today in observance of the World Day of Remembrance for Road Crash Victims and their Families, which was observed on Sunday, November 15, 2009, as well as to offer my heartfelt condolences to all those who have lost loved ones to road crashes.

The third Sunday in November was designated as World Day of Remembrance for Road Crash Victims by the United Nations earlier this decade, and in support of this effort, both the House of Representatives and Senate unanimously passed concurrent resolutions during the 110th Congress. This day allows us all to reflect upon the more than 1.3 million people worldwide who die on the world's roads each year, as well as the more than 50 million who are injured. An estimated 44,000 of those deaths occur in the United States, and the global death and injury toll is rising precipitously. At the current rate of growth, road crashes will be the fifth leading cause of death by the year 2030, rivaling the top global health epidemics.

Road crashes do not discriminate; they know no bounds of age, class, gender, race, nationality, or geography. Globally, more than 40 percent of all road traffic deaths occur among individuals under 25 years old, and crashes are the leading cause of death for children and young adults aged 10–25 years old. Over the next decade, this is estimated to become the leading cause of death for children 5 and older worldwide.

In some African countries, up to half of all hospital surgical beds are occupied by road crash victims, while in others the fatalities rank second only to HIV/AIDS. Here in the U.S., road crashes are the leading cause of death for Hispanics under 34 years of age. The human cost of this problem is unfathomable: 1.3 million deaths per year is the equivalent of 10 jumbo jets crashing each day.

Road crashes also come at a great cost to the global economy. It is estimated that road crashes cost \$518 billion globally each year. In developing countries, road crashes have a dramatic impact on their fragile economies, costing an estimated \$100 billion, often exceeding the total amount received by these countries in development assistance. Furthermore, road crashes affect first responder services, health care services, and health insurance services, as many victims require extensive, and expensive, critical care, as well as follow-up care and rehabilitation. In countries where a primary bread winner is killed or injured, or must care for the injured, this can destroy livelihoods and devastate communities.

Road crashes are predictable and can be prevented, however, and America is playing a critical, active role domestically and internationally to address this epidemic. Earlier this

year, the Congressional Caucus on Global Road Safety, which I am privileged to co-chair along with Congressman CHRIS VAN HOLLEN of Maryland and Congressman DAN BURTON of Indiana, introduced House Concurrent Resolution 74, supporting a decade of action for road safety with a global target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020. This resolution also urged the Obama Administration to take a leadership role at the First Ministerial Conference on Road Safety, to be held in Moscow later this week. The House of Representatives heeded the call to action on road safety and achieved a significant step toward reversing the increase in road deaths and injuries by unanimously passing H. Con. Res. 74 on September 23 of this year.

As more Americans travel abroad and more of our college students participate in study abroad programs in developing countries, many of them will be at risk of injury or death due to hazardous road conditions. Now is the time to foster the courageous initiatives building around the world to keep our citizens and our loved ones safe, and Madam Speaker, as we commemorate World Day of Remembrance for Road Crash Victims this year and look forward to the First Global Ministerial Conference on Road Safety in Moscow later this week, I urge my colleagues to work with the Obama Administration toward enacting meaningful policy reform, both at home and abroad.

CELEBRATING 80 YEARS OF SERVICE OF THE SEEING EYE IN MORRISTOWN, NEW JERSEY

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the very dedicated employees, volunteers, and graduates of The Seeing Eye in Morristown, New Jersey, on their 80 years of service.

Dorothy Harrison Eustis and Morris Frank had a dream to make the world completely accessible to the blind and visually impaired, and in 1929, The Seeing Eye was established to make their dream a reality. Since its inception, The Seeing Eye has enhanced the independence and self-confidence of the blind and visually impaired. The Seeing Eye pioneered the use of dogs to guide the blind, and today, the organization has successfully trained over 15,000 Seeing Eye dogs and matched them with more than 8,000 blind or visually impaired owners. Additionally, many area families have volunteered to rear generations of Seeing Eye puppies—nurturing them to accomplish their special destiny.

Twelve times every year, up to 24 visually impaired students from the United States and Canada come to Morristown to enter a twenty-seven day instructional program and are matched with a dog. The instruction includes traveling through high traffic and residential streets, shopping malls, and bus routes. Upon the completion of the program, the graduates are able to safely navigate their hometowns with the support of their Seeing Eye dogs. In fact, most every day on Morristown streets, The Seeing Eye trainers, students and their

remarkable dogs can be seen training where pedestrians and drivers alike respect their presence. The Seeing Eye also provides follow-up care and even visit graduates' home to aid them in adjusting to their new accessibility to their environments.

Today, The Seeing Eye is a pioneer in canine genetics and medical research. It also advocates for the concerns of those with visual impairments—such as pedestrian safety and the dangers of quiet cars—by working with legislators, writing letters on behalf of those experiencing discrimination, and researching technologies to make crosswalks safer.

Madam Speaker, for the past 80 years, The Seeing Eye has provided an unprecedented service to the blind and visually impaired community, and I hope it can continue its invaluable service for many years to come. I urge you, Madam Speaker, and my colleagues to join me in congratulating all of those involved with The Seeing Eye on its 80th Anniversary.

PERSONAL EXPLANATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Monday, November 16, 2009.

Had I been present I would have voted “aye” on rollcall vote No. 889, on motion to suspend the rules and agree to S. 1314; “aye” on rollcall vote No. 890, on motion to suspend the rules and agree to H.R. 3539; “aye” on rollcall vote No. 891, on motion to suspend the rules and agree to HR. 3767.

PERSONAL EXPLANATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. SMITH of Washington. Madam Speaker, on Monday, November 16, 2009, I was unable to be present for recorded votes. Had I been present, I would have voted “yes” on rollcall vote No. 889 (on the motion to suspend the rules and pass S. 1314), “yes” on rollcall vote No. 890 (on the motion to suspend the rules and pass H.R. 3539), and “yes” on rollcall vote No. 891 (on the motion to suspend the rules and pass H.R. 3767).

H. RES. 866, VETERANS HISTORY PROJECT

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. KIND. Madam Speaker, I rise today in support of House Resolution 866 which encourages the designation of a National Veterans History Project Week. This resolution encourages increased public participation in the Veterans History Project.

As you may know, the Veterans History Project collects and saves the stories of America's veterans who have bravely served this country from World War I to today's conflicts in Iraq and Afghanistan. This project provides Americans an important way to honor our soldiers: by preserving the story of their service, in their own words, for the use and benefit of future generations.

In 2000, I authored and Congress unanimously passed legislation creating the Veterans History Project. Since its inception, the project has collected more than 66,000 stories and documents. In addition, the Veterans History Project was honored by Harvard University as one of the finalists for the Innovations in American Government Award competition in 2005.

Since the beginning of our Nation, the soldiers, sailors, airmen, and marines of the Armed Forces have been called on to risk their lives and fight for the ideals that make America great. Regardless of what one thinks about the wars that they fought in, all Americans must agree that the men and women of our Armed Forces have responded to the call of their country and performed with honor and dignity. War veterans and the civilians who have supported them all across this Nation have stepped forward once again, this time answering the call of civic duty by recording their stories and contributing personal documents for the Veterans History Project. Their participation ensures that their accounts are recorded and preserved, becoming a part of this Nation's memory and history.

By passing this resolution today, we can encourage more participation in this important program and ensure that this vital collection of American history continues to grow even further. Capturing the stories of our war veterans is more important now than ever before. We are losing more than 1,700 veterans every day and with them, their firsthand accounts of that war. It is imperative that we capture the stories and personal histories of those veterans before it is too late. The Veterans History Project is instrumental in accomplishing this important goal.

I call upon all members of this body to publicize and promote the Veterans History Project in their own districts and communities. I cannot think of a better way to honor our veterans than by trying to preserve as many of their memories and stories as possible. I urge my colleagues to support this measure.

IN HONOR OF DR. ANGELO ARMENTI, JR.

**HON. JOHN P. MURTHA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. MURTHA. Madam Speaker, I rise today to honor Dr. Angelo Armenti, Jr., the president of California University of Pennsylvania. His dedication to education as a professor, dean and university president, in addition to his commitment to philanthropy, has had a great impact on the people of Pennsylvania.

Dr. Armenti received his Bachelor of Science in Physics from Villanova University and his Master's and Ph.D. from Temple University in Special Relativity and General Relativity, respectively. He returned to Villanova

as a professor where he remained for 20 years. He subsequently became chair of the physics department, Dean of University College, and Director of Planning at Villanova.

Over the course of his career, Dr. Armenti received the Lindback Foundation Award for Distinguished Teaching and in 1992 was one of only 32 individuals in the nation named an American Council on Education Fellow. He has published many journal articles and the book, *The Physics of Sports*.

Madam Speaker, on May 19, 1992, Dr. Armenti became the 6th president of California University of Pennsylvania. Since then, applications have increased by 90 percent, the average SAT score rose by 95 points and four-year graduation rates rose by 80 percent. The university adopted new academic programs, a general education curriculum, the University Bill of Rights and Responsibilities, and a new governance structure.

During his tenure as president, California University has constructed new buildings including the Eberly Science and Technology Center, the Kara Alumni House, the Duda Classroom Building and six residence halls, as well as renovating several older structures. This construction significantly enhanced the educational and living environments of California University. It also created two major off-campus sites at the Southpointe Business Park in Canonsburg and at the Regional Enterprise Tower in downtown Pittsburgh.

The Washington County Community Foundation named Dr. Armenti and his wife, Mrs. Barbara Armenti, the 2009 Philanthropists of the Year for the scholarships they established at California University and for developing a philanthropic atmosphere throughout the school and community. Dr. & Mrs. Armenti have inspired many students to serve their communities.

In addition, Dr. Armenti serves the educational field by working with the Commission on Higher Education of the Middle States Association of Colleges and Schools. He also serves southwestern Pennsylvania as the Campaign Chair and President of the Mon Valley United Way. Madam Speaker, I conclude my remarks by commending Dr. Angelo Armenti, Jr. for his lifelong dedication to education and philanthropy. I wish him the best as he continues to serve his students and the people of Pennsylvania.

100TH ANNIVERSARY OF THE  
SAINT PAUL'S BAPTIST CHURCH

**HON. ROBERT C. "BOBBY" SCOTT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. SCOTT of Virginia. Madam Speaker, I rise today to celebrate the enduring legacy of a faith institution in the city of Richmond. On Saturday, November 28, 2009, The Saint Paul's Baptist Church will celebrate its 100th anniversary, and in recognition of this milestone I would like to take a moment to reflect on the history of this esteemed church and its contributions to the greater Richmond community.

The Saint Paul's Baptist Church began, fittingly, on Thanksgiving night in 1909, when a group of congregants of First Union Baptist Church received a letter of release to form

their own Church. The newly organized Church elected Rev. George Pinkney as its first Pastor. Reverend Pinkney's years were dedicated to establishing the new parish on a firm footing. Under his leadership, the first sanctuary with a seating capacity greater than 50 was constructed on Botetourt Street.

The Saint Paul's family grew considerably in a short period of time under Reverend Pinkney and the church's second pastor and Reverend Pinkney's son, Timothy Pinkney. During the service of Saint Paul's third pastor, Rev. Isaiah Hines (1913–1928), a second sanctuary was built that accommodated the growing church's 200 worshippers.

Saint Paul's underwent significant change under the leadership of their fourth and longest serving pastor, Rev. Journey A. Mosby. During his 40 year tenure, the church expanded its commitment to the development of young people, especially aspiring theological students from nearby Virginia Union University. Reverend Mosby was also responsible for many ministries that still exist in the church today. A new building was once again needed to accommodate the growing congregation. Reverend Mosby launched an expansion campaign on Thanksgiving Day 1950 and by 1957, the church was able to buy an existing facility on the corner of 26th and Marshall Streets in the Church Hill neighborhood. This served as the Church's home for 45 years, and the Parish House is now listed on the National Park Service's National Register of Historic Places.

The Church's fifth pastor, Rev. James Leary, was installed in 1969. Under his direction, the Saint Paul's Baptist Federal Credit Union, the Saint Paul's Housing Corporation, the Saint Paul's Manor, and the J.A. Mosby Scholarship fund were all initiated.

Saint Paul's sixth and current pastor is Rev. Lance Watson, installed in 1985. Under his leadership, Saint Paul's has continued to thrive and expand. Over the last 30 years, the congregation has grown to over 12,000 members. The church has instituted many more ministries including a bookstore, multiple schools, a counseling service, a community development corporation, and a media company that produces weekly recordings of Saint Paul's services and broadcasts them nationally.

In 2002, the Church moved into its present facility on Creighton Road. Although this is now the heart of Saint Paul's, the church has multiple locations throughout Greater Richmond including the Marshall Avenue facility, which is under development to become a performing arts center. Saint Paul's has been such a positive spiritual influence on the Richmond community that since 2005, two churches faced with the prospect of selling their property on the open market elected instead to give their physical plants to Saint Paul's to help expand its ministry. The church's dedication to "finding needs and meeting them, finding hurts and healing them, finding problems and solving them" has made it an indispensable institution of faith in the Greater Richmond area.

I would like to commend Pastor Watson and the congregation of The Saint Paul's Baptist Church as they celebrate their 100th anniversary. I hope that their next 100 years of service will be as fruitful as their first 100 years.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. Coffman of Colorado. Madam Speaker, this morning our national debt was \$12,031,299,186,290.07. I should note this is the first time the debt has broken the 12 trillion level. We have added \$39,792,309,877.00 to the national debt since yesterday.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

The national debt has increased by \$1,392,873,439,996.27 so far this year.

According to the non-partisan Congressional Budget Office, the forecast deficit for this year is \$1.6 trillion. That means that so far this year, we borrowed and spent \$4.4 billion a day more than we have collected, passing that debt and its interest payments to our children and all future Americans.

PERSONAL EXPLANATION

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mrs. DAVIS of California. Madam Speaker, I was absent for three rollcall votes on Monday, November 16, 2009. Had I been present, I would have voted "yea" on rollcall vote Nos. 889 and 890, and "aye" on rollcall vote No. 891. The items of legislation I would have voted on are as follows:

Yea on S. 1314—A bill to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office".

Yea on H.R. 3539—To designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the "Patricia D. McGinty-Juhl Post Office Building".

Aye on H.R. 3767—To designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building".

RECOGNIZING THE 110TH  
BIRTHDAY OF MORRIS FEIN

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. ACKERMAN. Madam Speaker, I rise today in recognition of the 100th birthday of Morris Fein on Saturday, November 28, 2009.

Morris Fein is more than a friend; he is an inspiration and a living testament to the American Dream.

Frank and Kate Feintuch migrated from Poland and arrived at Ellis Island aboard the *Polonia* in 1911 with two-year-old Morris. A product of the New York City public school system, Morris began his education at PS 13 and graduated from Stuyvesant High School at

the age of 16. Becoming the first member in his family to graduate both high school and college, Morris obtained his Bachelors Degree in History from the City College of New York and graduated with a commission as Second Lieutenant of the ROTC.

In 1936, Morris met and married Vera Rothman, with whom he celebrated his seventy-second wedding anniversary in 2008 before her passing. Morris and Vera lived in Astoria, Queens, in a one-bedroom apartment. They not only raised their three children—Sheldon, Benjamin and Roselyn—there, but Morris also operated his tax practice from the apartment on the weekends. In 1954, the family moved to a three-bedroom single-family home in Flushing, Queens.

To support his family, Morris worked in excess of sixty hours per week, holding at minimum three jobs at any given time. For over 40 years he served as an Investigator/Inspector for the New York State Department of Agriculture, spearheading many investigations of major consequence in the Jewish and secular communities throughout New York State.

Through out his life, Morris has always strongly identified with his Jewish heritage. A strong believer in “giving back” to the community, he played a vital role in creating and maintaining the Queensborough Hill Jewish Center, a house of worship and education for his community. He served as a member of the Executive Board and Board of Trustees, including President and Treasurer, at the Synagogue. He also served as the long-term Financial Secretary and then President of the Hrubishower Sick & Benevolent Society; and was a member of the Queensborough Hill Synagogues Men’s Club.

After suffering a hip injury in 2002, Morris and his wife moved to an independent living facility in Huntington Terrace, NY, where he currently resides. A member of the South Huntington Jewish Center in Melville, he serves as President of the “Residents Board” at Huntington Terrace/Brandywine Senior Living.

Morris will be celebrating his 100th birthday with his children, Sheldon, Benjamin and his wife Judy Sharmat, Roselyn and her husband Edward Rudofsky; with his grandchildren and their spouses, Lee Rudofsky, Gayle Rudofsky, Steven Fein, Leonard Fein, Dr. Samuel Sharmat, Soraya, Juliana and Alissa; and with his great grandchildren, Ethan Fein, Jim Fein, and Sophia Sharmat.

Madam Speaker, I call on all my colleagues in the House of Representatives to rise and join me now in extending our congratulations to Morris Fein on the grand occasion of his 100th birthday.

IN HONOR OF AQUILINO ZARAZÚA

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. FARR. Madam Speaker, I rise today to honor the memory of Aquilino Zarazúa of Carmel Valley, California. Aquilino was an extraordinary man whose infectious smile and peaceful demeanor comforted all those who came into contact with him. Aquilino passed away on September 12, 2009, at age 91, leaving behind an inspiring success story for many immigrant families to emulate.

Aquilino was born on January 4, 1918, in the small town of Santa Catarina, Guanajuato, in central Mexico. When Aquilino was quite young, his mother passed away leaving six children without their mother. Aquilino was the eldest sibling and so he became his father Quintil’s trusted companion in raising the family. Aquilino eventually left Santa Catarina to search for other opportunities in neighboring towns and cities and years later made his way to the United States.

In 1945 Aquilino arrived in Chualar, California, as part of the Bracero or guest worker program. The work was arduous and strenuous but Aquilino was determined to persevere and succeed. Aquilino would often state that he would never return to his home town in worse shape than when he left; to do so would be shameful. Later Aquilino would travel to Jalisco, Mexico, with his friend Angel De León, the cook from the labor camp. Some time thereafter Aquilino decided to marry the cook’s daughter, Ampelia De León.

Aquilino and Ampelia had three daughters in the United States, all of whom graduated from college. Aquilino instilled in his daughters the value of a formal education and was extremely proud to attend their college graduations. One of his biggest fears was that his daughters would be relegated to toiling in agricultural fields or undertaking menial labor to earn a living. He taught them that a formal education was the only path out of the poverty and limited employment options which many immigrant families had endured.

Aquilino could speak little English, yet he was precise in communicating his thoughts and feelings. His generous and sincere smile would always welcome you and make you feel significant and strong. Aquilino will be remembered for his gentle manner and honesty; his devotion to his family and friends; and his keen ability to impart compassion and understanding to everyone he met.

Madam Speaker, Aquilino Zarazúa has left a legacy in Monterey County and has inspired many immigrant fathers and families to seek a better life for their children. Thanks to Aquilino we know that the greatest inheritance a child can receive is a father’s sense of values and compassion for others. I am certain I speak for the entire House in extending our heartfelt sympathy to Aquilino’s wife Ampelia and his daughters Albertina, Blanca and Gladys.

LIEUTENANT COLONEL JUANITA  
WARMAN

### HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the life of Lieutenant Colonel Juanita Warman who died honorably serving her country.

Since 2008, LTC Warman has volunteered with the Maryland National Guard’s reintegration program, a program designed to help soldiers returning from Iraq and Afghanistan with a variety of issues. She served a year overseas at Landstuhl Regional Medical Center in Germany, the Army facility where those injured in Afghanistan and Iraq are treated before being sent stateside for further medical care. She regularly volunteered for round-trip

flights to Iraq to care for soldiers being sent to Landstuhl. Warman was preparing for deployment to Iraq at the time of her death.

A graduate of the University of Pittsburgh, Warman was a certified psychiatric nurse practitioner whose military career spanned more than two decades in active duty and Army reserves. Prior to her exceptional work with the Maryland National Guard, LTC Warman had a civilian practice at University of Pittsburgh Medical Center. She was an expert in post-traumatic stress disorder and traumatic brain injury. Warman also worked at a Veterans Administration facility in Perryville, Maryland.

I commend LTC Warman for her extraordinary commitment to both our country and her fellow service members. She touched the lives of many due to her outstanding sense of volunteerism, unwavering bravery, and dedication to making a difference.

Madam Speaker, I ask that you join with me today to honor the life of Lieutenant Colonel Juanita Warman. The distinguished service Lieutenant Colonel Warman has shown to our country will forever reverberate in our memories. It gives me great pride to honor one of our nation’s fallen heroes.

RECOGNIZING THE COURAGE AND  
STRENGTH OF MICHAEL BREWER

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor 15-year-old Michael Brewer of Deerfield Beach, Florida, whose courage and strength defy the atrocious attack he has endured. Michael sustained burns to over 65 percent of his body after a group of schoolmates set him on fire in an act of cruel revenge. On October 12, 2009, neighborhood bullies Matthew Bent, 15; brothers Denver and Jeremy Jarvis, 15 and 13 respectively; Steven Shelton, 15; and Jesus Mendez, 15; surrounded Michael in the parking lot of Limetree Village Apartments, poured rubbing alcohol on him, and set him on fire with a lighter. Led by Bent, the bullies sought him out and terrorized him for not paying back \$40 borrowed to buy a video game. Michael had called the police the night before the encounter when Bent attempted to steal a \$500 custom bike from Michael’s father at their home.

I am truly shocked and outraged by this heinous crime. Michael still remains in critical condition at the University of Miami-Jackson Memorial Hospital Burn Center and will have to endure a long and painful recovery process. A 7th grader at Deerfield Beach Middle School, he has since received hundreds of cards and letters of support from fellow classmates and well-wishers from around the world. My thoughts and prayers go out to Michael, his family, and friends during this most difficult time. It is heartening to hear that Michael’s first surgery went well and that his doctors are cautiously optimistic about his recovery.

In addition, I want to commend the South Florida community for coming together to raise money in order to help the Brewer family pay for Michael’s medical expenses. During these difficult economic times, these Floridians have shown their true colors by extending a helping

hand to a neighbor in need. In particular, I would like to recognize Neighbors 4 Neighbors for raising more than \$10,000 for Michael, and Broward Sheriff's detective Joe Kessling for his leadership and community activism.

Madam Speaker, we must stop the dangerous values of bullying and violence from being perpetuated in our schools and communities. Young people like Michael deserve a safe educational environment in which they can reach their full potential and become respectful, contributing members of our society.

## TWO NEIGHBORS COME TOGETHER

### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. COHEN. Madam Speaker, for almost two decades, the Republics of Turkey and Armenia have been meeting to discuss a pathway for normalization of relations. These diplomatic discussions were not easy and often involved complicated multi-dimensional implications. However, on October 10th, the two neighbors signed a historic rapprochement, a ceremony which was followed around the globe.

In the two protocols signed, the two nations agreed to establish diplomatic relations, normalize their bilateral relations in all aspects, open their border and create a framework to determine their joint history. This agreement would not only bring stability to the region, it will also provide an example for other nations to come together to resolve their past disputes.

At their signing ceremony, the Turkish and Armenian foreign ministers were joined by foreign dignitaries from the United States, France, Switzerland, Russia, the European Union, and the Council of Europe. While each country's parliament must now ratify these protocols, we should acknowledge the significant progress for these two neighbors.

The U.S. administrations of the past, as well as the current Obama administration, all support the diplomatic discussions between Turkey and Armenia. I want to commend both countries as they move this historic agreement through their respective parliaments.

## KOREA-UNITED STATES FREE TRADE AGREEMENT

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. WESTMORELAND. Madam Speaker, when President Obama meets tomorrow with South Korean President Lee Myung-bak, I encourage him to express his strong support for the Korea-U.S. Free Trade Agreement.

Deepening the important economic ties between our countries benefits both sides. Already, Georgia does billions of dollars in trade with Korea each year. For Georgians in the 3rd Congressional District, this relationship with Korea has yielded tangible benefits: thousands of good-paying jobs.

Korean automaker Kia has opened up a production facility in West Point, GA, and

eventually will employ nearly 2,500 people in a region devastated by textile mill closings over the past 30 years. New jobs are always welcome, but they're a lifesaver for many Georgia families as our State suffers with an unemployment rate above 10 percent.

The plant will have a \$6.5 billion economic impact on the local economy, creating up to 20,000 new jobs as a result. Direct Korean investment is bolstering our economy and paying the bills for thousands of families in west Georgia.

Lowering trade barriers between South Korea and the United States will produce more positive outcomes like the Kia plant for communities throughout this nation. Not only will American consumers benefit from cheaper, duty-free products from Korea, but also American businesses will sell more of our products in the Korean market.

In 2007, Georgia businesses exported \$397 million worth of goods to Korea. Removing tariffs on U.S. goods, particularly those competing against protected Korean industries, could significantly increase that number. Agriculture remains my State's No. 1 industry and KORUS FTA would eliminate tariffs and barriers to Georgia farm products such as peanuts, poultry and cotton.

Madam Speaker, for my constituents in Georgia's 3rd Congressional District, the KORUS FTA isn't some academic lecture with line graphs. For Georgians, the benefits are tangible and observable. For the people in West Point, GA, Korean economic investment means jobs. Good jobs. Lots of jobs.

The Congress has dragged its feet on passing this trade deal even though we've seen previous agreements work. In the first four years of the U.S.-Singapore FTA, Georgia's exports to Singapore have grown 212 percent. Since NAFTA went into effect in 1994, Georgia's combined exports to Canada and Mexico have increased by 194 percent and since entry into force of the U.S.-Chile Agreement in 2004, the State's exports to Chile have grown 93 percent.

I encourage President Obama to keep these numbers—these numbers that represent real jobs for real Americans—in mind when he shakes hands with President Lee tomorrow.

## GUANTANAMO DETAINEE TRANSFER IMPACT ASSESSMENT ACT

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. KIRK. Madam Speaker, recently, the administration announced it may move up to 215 Al Qaeda terrorists to Illinois. This proposal imposes an unnecessary new risk. We should slow down and answer basic questions.

The facility is only 22 miles from a nuclear reactor. What precautions are taken?

Commissions will be in Illinois—how will we protect the families of judges and jurors?

We learned yesterday that two-thirds of the jobs claimed will be active-duty military. The Bureau of Prisons will hire no one over 37 years old and will hire nationwide, not just Illinois.

The United States spent more than \$50 million to build the state-of-the-art Guantanamo Bay detention facility to keep terrorists from

U.S. soil. Al Qaeda terrorists should stay where they cannot endanger Americans.

Today I introduced the Guantanamo Detainee Transfer Impact Assessment Act of 2009. My legislation prohibits the transfer of terrorists held at Guantanamo Bay to any location in the United States unless the President presents to the State's legislature a "Homeland Insecurity Impact Statement" conducted by the Government Accountability Office, in consultation with the Inspectors General of the Department of Homeland Security, Federal Bureau of Investigation, and Office of the Director of National Intelligence, and the legislature then approves the transfer by a majority vote.

I encourage my colleagues to join me in ensuring that a thorough threat and risk assessment is conducted and shared with the elected representatives of the American people before any terrorist from Guantanamo Bay is brought to the United States.

## EARMARK DECLARATION

### HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation to Replace a Combined Sewer in Peoria, Illinois.

Bill Number: H.R. 2996—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Provisions/Account: STAG Water and Wastewater Infrastructure Project

Name and Address of Requesting Entity: entity to receive funding for this project is the City of Peoria, located at 419 Fulton Street, Peoria, Illinois 61602.

Description of Request: This project is intended to control combined sewer overflows along Spring Street. This is part of a larger community initiative which the City of Peoria has committed \$127 million towards.

## A TRIBUTE TO THE COAST GUARD AND MARINE CORPS PILOTS AND CREWMEMBERS LOST ON OCTOBER 29, 2009

### HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to pay tribute to the Coast Guard and Marine Corps pilots and crewmembers lost off the coast of California on October 29, 2009.

On the evening of October 29, 2009, a Coast Guard C-130 based out of Sacramento in California's Third Congressional District was suspected to have collided with a Marine Corps AH-1W Super Cobra.

The following crew members of the Coast Guard C-130 are missing and presumed to have lost their lives in the line of duty: Lt. Cmdr. Che J. Barnes of Capay, California; Lt. Adam W. Bryant, of Crewe, Virginia; Chief Petty Officer John F. Seidman of Stockton,

California; Petty Officer 2nd Class Carl P. Grigonis of Mayfield Heights, Ohio; Petty Officer 2nd Class Monica L. Beacham of Decaturville, Tennessee; Petty Officer 2nd Class Jason S. Moletzky of Norristown, Pennsylvania; and Petty Officer 3rd Class Danny R. Kreder II, of Elm Mott, Texas.

The following crew members of the Marine Corps helicopter are missing and presumed to have lost their lives in the line of duty: Maj. Samuel Leigh of Kennebec, Maine, and 1st Lt. Thomas Claiborne of Douglas, Colorado.

Today we consider House Resolution 891, which expresses the gratitude of the House of Representatives for the service to our Nation that these pilots and crewmembers provided, and extends its condolences to their family, friends, and loved ones.

I also thank the men and women of the Coast Guard and Marine Corps on behalf of my fellow Californians for the untold impact that they have had on the security of our home.

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ARNO HOTT

**HON. SHELLEY MOORE CAPITO**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mrs. CAPITO. Madam Speaker, I rise today to honor Arno Hott, who is stepping down from the Hampshire County Commission on Aging after 35 years; 25 served as board chairman.

Arno Hott was born in Kirby, WV, on November 13, 1924. On his 85th birthday we honor him for all the work he has done for Hampshire County. His wife, Dorothy, and four children should be extremely proud as Arno was one of the first board members on the Commission on Aging. What started with just three employees has grown to employ 110 people, making it among the top ten employers in Hampshire County.

We honor him for his time with the Commission on Aging, but his service to Hampshire County reaches much further. A graduate of Shepherd College, Arno taught in Hampshire County Schools for 36 years. He is very active with the community choir, the county fair, as well as the Ruritan Club, where he has been a member for 50 years. An instrumental part in starting a day care for seniors, Arno's involvement in the community has benefited so many and it is only right he receive acknowledgement in return for all his public service.

Having received the Distinguished West Virginian Award from four different Governors as well as the Outstanding West Virginian Award, it is an honor to recognize Arno Hott. It says great things about West Virginia to have people like you representing our great State.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE EQUAL SUFFRAGE LEAGUE AND THE LEAGUE OF WOMEN VOTERS OF VIRGINIA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 100th anniversary of Equal Suffrage League and its successor organization, the League of Women Voters of Virginia.

On November 20, 1909, at 4:00 in the afternoon, a meeting was held in the Richmond home of Mrs. Anne Clay Crenshaw. The purpose of this meeting was to lay the groundwork for an organization that would dedicate its efforts to the women's suffrage movement in Virginia. This organization was called the Equal Suffrage League (ESL).

The ESL was not the first organization formed in Virginia with the goal of granting voting rights to women; at least two and perhaps three other organizations had been formed in prior years between 1870 and 1900. But where the prior organizations faded, the Equal Suffrage League was able to maintain its passion and direction and continue the battle for women's suffrage.

The Nineteenth Amendment granting women the right to vote was ratified in August, 1920. Mrs. Anne Clay Crenshaw, at whose home the first ESL was held, wasted no time and registered to vote just days later on September 9, 1920.

On November 20, 1920, exactly 11 years after its founding, the Equal Suffrage League officially changed its name to the League of Women Voters of Virginia. Since that time, the League of Women Voters of Virginia has continued to expand its involvement and increase the involvement and participation of women in many areas including candidate and issue information, voting guides and laws, advocacy and public issues. There are now 12 local leagues and three Member at Large Units in the Commonwealth of Virginia, all of which continue the work of involving women and ensuring that their voices are heard.

The League of Women Voters of Virginia understands and promotes the fact that when women are informed, they become engaged; when they become engaged, they vote; and when women vote, they get results.

Madam Speaker, I ask my colleagues to join me in congratulating the League of Women Voters of Virginia on the occasion of this anniversary and also to thank the League of Women Voters of Virginia for their tireless work on behalf of the citizens of the Commonwealth of Virginia.

HONORING THE 100TH ANNIVERSARY OF LOCAL 360 OF THE UNITED ASSOCIATION OF PLUMBERS AND GASFITTERS

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 17, 2009*

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in honoring the 100th anniversary of Local 360 of the United Association of Plumbers and Gasfitters, headquartered in Collinsville, Illinois.

The Plumbers and Gasfitters Local 360 was chartered in 1909 in East St. Louis, Illinois. Situated on the Mississippi River, across from St. Louis and with a number of rail lines passing through it, the East St. Louis area early in the 20th Century was developing into a major industrial center. With commercial and residential development booming as families came to the region in search of work in the factories and stockyards, there was a need for skilled labor and for unions to represent those workers.

Under the original charter, Local 360 represented plumbers, steamfitters, gasfitters, and steamfitter helpers. The original officer was William J. Stewart, who served as secretary for the new local until November 20, 1909.

Local 360 has grown through the years and now represents 230 members in Madison and St. Clair counties. In addition to providing a strong voice for its members and providing the highest quality of labor, Local 360 also is committed to giving back to the communities where its members live and work. The Local provides support for a number of charitable organizations, such as the Shriners, Salvation Army and the Special Olympics.

In 1994, Local 360 moved its headquarters to Collinsville, Illinois. Current leadership is provided by William Hayes, business manager/financial secretary-treasurer; Matthew Popov, recording secretary; Paul Koehne, president; and Thomas Kowalski, vice president. Through their continued commitment to quality representation for their members and community involvement, Local 360 is a positive example of organized labor in southwestern Illinois.

Madam Speaker, I ask my colleagues to join me in congratulating the leadership and members of Local 360 of the United Association of Plumbers and Gasfitters as they celebrate their 100th anniversary.

# Daily Digest

## HIGHLIGHTS

Senate passed H.R. 3082, Military Construction and Veterans Affairs Appropriations Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S11393–11440*

**Measures Introduced:** Eleven bills were introduced, as follows: S. 2780–2790. **Page S11430**

#### Measures Passed:

***Military Construction and Veterans Affairs Appropriations Act:*** By unanimous vote of 100 yeas (Vote No. 348), Senate passed H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, as amended, after taking action on the following amendments proposed thereto: **Pages S11403–07, S11407–11**

#### Adopted:

Inouye Modified Amendment No. 2754 (to Amendment No. 2730), to permit \$68,500,000, as requested by the Missile Defense Agency of the Department of Defense, to be used for the construction of a test facility to support the Phased Adaptive Approach for missile defense in Europe, with an offset. **Pages S11403, S11404**

Johnson (for Cochran) Amendment No. 2763 (to Amendment No. 2730), to provide for the modification of a restriction of alienation of certain real property in Gulfport, Mississippi. **Pages S11405, 11406**

By 98 yeas to 1 nay (Vote No. 346), Johnson Amendment No. 2733 (to Amendment No. 2730), to increase by \$50,000,000 the amount available for the Department of Veterans Affairs for minor construction projects for the purpose of converting unused Department of Veterans Affairs structures into housing with supportive services for homeless veterans, and to provide an offset. **Pages S11403, 11405**

Feingold/Sanders Modified Amendment No. 2748 (to Amendment 2730), to make available \$5,000,000 for grants to community-based organizations and State and local government entities to conduct outreach to veterans in under-served areas. **Pages S11403, S11405–06**

Johnson (for Warner) Modified Amendment No. 2775 (to Amendment No. 2730), to require a study on the capacity of the Department of Veterans Affairs to address combat stress in women veterans. **Page S11406**

Johnson (for Klobuchar) Amendment No. 2777 (to Amendment No. 2730), to require a study to identify the improvements to the information technology infrastructure of the Department of Veterans Affairs that are required to furnish health care services to veterans using telehealth platforms. **Pages S11406–07**

Johnson (for Boxer) Modified Amendment No. 2783 (to Amendment No. 2730), to make available from Medical Services, \$1,000,000 for education debt reduction for mental health care professionals who agree to employment at the Department of Veterans Affairs. **Pages S11406–07**

Johnson/Hutchison Amendment No. 2730, in the nature of a substitute. **Pages S11403–07, S11407–11**

#### Rejected:

DeMint (for Inhofe) Amendment No. 2774 (to Amendment No. 2730), to prohibit the use of funds appropriated or otherwise made available by this Act to construct or modify a facility in the United States or its territories to permanently or temporarily hold any individual held at Guantanamo Bay, Cuba. (By 57 yeas to 43 nays (Vote No. 347), Senate tabled the amendment.) **Pages S11403, S11407–09**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Johnson, Inouye, Landrieu, Byrd, Murray, Reed, Nelson (NE), Pryor, Leahy, Hutchison, Brownback, McConnell, Collins, Murkowski, and Cochran. **Page S11411**

#### Appointments:

***Library of Congress Trust Fund Board:*** The Chair, on behalf of the Majority Leader, in consultation with the Republican Leader, pursuant to Public

Law 95–277, as amended by Public Law 102–246, appointed the following individuals as members of the Library of Congress Trust Fund Board for five year terms: Elaine Wynn of Nevada, vice Bernard Rapoport, and Tom Girardi of California, vice Leo Hindery. **Page S11439**

**Caregivers and Veterans Omnibus Health Services Act—Agreement:** A unanimous-consent-time agreement was reached providing that upon disposition of the nomination of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit, that Senate begin consideration of S. 1963, to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans; and that the bill be considered under the following limitations: that debate on the bill be limited to 30 minutes, equally divided and controlled between Senators Akaka and Burr, or their designees; that the only amendment in order be a Coburn amendment regarding funding priorities; that debate on the amendment be limited to three hours, with two hours under the control of Senator Coburn, and 60 minutes under the control of Senator Akaka, or his designee; that upon use or yielding back of all time, Senate vote on or in relation to the Coburn amendment; that upon disposition of the Coburn amendment, Senate vote on passage of the bill. **Page S11422**

**Senator Rockefeller—Agreement:** A unanimous-consent agreement was reached providing that at approximately 9:30 a.m., on Wednesday, November 18, 2009, Senator Rockefeller be recognized to speak. **Page S11439**

**Hamilton Nomination—Agreement:** Senate resumed consideration of the nomination of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit. **Pages S11411–25**

During consideration of this measure today, Senate also took the following action:

By 70 yeas to 29 nays (Vote No. 349), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the nomination. **Pages S11421–22**

A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 11:30 a.m., on Wednesday, November 18, 2009, and that the post-cloture time count during any adjournment, recess, or period of morning business. **Page S11439**

**Nominations Received:** Senate received the following nominations:

Julie Simone Brill, of Vermont, to be a Federal Trade Commissioner for the term of seven years from September 26, 2009.

Edith Ramirez, of California, to be a Federal Trade Commissioner for the term of seven years from September 26, 2008.

Earl F. Gohl, Jr., of the District of Columbia, to be Federal Cochairman of the Appalachian Regional Commission.

Scott H. DeLisi, of Minnesota, to be Ambassador to the Federal Democratic Republic of Nepal.

Beatrice Wilkinson Welters, of Virginia, to be Ambassador to the Republic of Trinidad and Tobago.

2 Air Force nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, and Foreign Service. **Pages S11439–40**

**Messages from the House:** **Page S11427**

**Measures Referred:** **Page S11427**

**Executive Communications:** **Pages S11427–28**

**Executive Reports of Committees:** **Pages S11428–30**

**Additional Cosponsors:** **Pages S11430–31**

**Statements on Introduced Bills/Resolutions:** **Pages S11432–38**

**Additional Statements:** **Pages S11426–27**

**Amendments Submitted:** **Page S11438**

**Notices of Hearings/Meetings:** **Page S11438**

**Authorities for Committees to Meet:** **Pages S11438–39**

**Privileges of the Floor:** **Page S11439**

**Record Votes:** Four record votes were taken today. (Total—349) **Pages S11405, S11409, S11410, S11422**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:24 p.m., until 9:30 a.m. on Wednesday, November 18, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11439.)

## Committee Meetings

(Committees not listed did not meet)

### CHILD NUTRITION PROGRAMS

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine reauthorization of the United States child nutrition programs, focusing on opportunities to fight hunger and improve child health, after receiving testimony from Thomas Vilsack, Secretary, and Margaret L. Bogle, Executive Director, Delta Obesity Prevention Research Unit, Agricultural Research Service, both of the Department of Agriculture; Rich Huddleston, Arkansas Advocates for Children and Families, and Rhonda Sanders, Arkansas Hunger Relief Alliance,

both of Little Rock; and Jennifer Smith, Wal-Mart Stores, Inc., Bentonville, Arkansas.

### TRUTH IN LENDING ACT

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine S. 1799, to amend the Truth in Lending Act, to establish fair and transparent practices related to the marketing and provision of overdraft coverage programs at depository institutions, after receiving testimony from Michael Calhoun, Center for Responsible Lending, and Jean Ann Fox, Consumer Federation of America, both of Washington, DC.; Frank Pollack, Pentagon Federal Credit Union, Alexandria, Virginia; John P. Carey, Citigroup North America Consumer Banking, New York, New York; and Mario Livieri, Brandford, Connecticut.

### INTERNET SALES TACTICS

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine aggressive sales tactics on the Internet and their impact on American consumers, after receiving testimony from Florence Marotta-Wurgler, New York University School of Law, New York, New York; Prentiss Cox, University of Minnesota Law School, Minneapolis; Robert J. Meyer, University of Pennsylvania Wharton School, Philadelphia; Ray France, St. Cloud, Florida; and Linda Lindquist, Sussex, Wisconsin.

### GLOBAL CLIMATE CHANGE

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the international aspects of global climate change, after receiving testimony from Michael A. Levi, Council on Foreign Relations, New York, New York; and Nigel Purvis, Climate Advisers, Taiya Smith, Carnegie Endowment for International Peace, Karen Harbert, U.S. Chamber of Commerce, and Jake Colvin, National Foreign Trade Council, all of Washington, D.C.

### COUNTERTERRORISM IN AFRICA'S SAHEL REGION

*Committee on Foreign Relations:* Subcommittee on African Affairs concluded a hearing to examine United States counterterrorism priorities and strategy across Africa's Sahel region, after receiving testimony from Johnnie Carson, Assistant Secretary for African Affairs, and Daniel Benjamin, Coordinator for Counterterrorism, both of the Department of State; Vicki Huddleston, Deputy Assistant Secretary of Defense for Africa; Earl Gast, Senior Deputy Assistant Administrator for Africa, United States Agency for International Development; Lianne Kennedy-Boudali, RAND Corporation, Arlington, Virginia; and David Gutelius, Johns Hopkins University Applied Physics Laboratory, San Francisco, California.

### BUSINESS MEETING

*Committee on Foreign Relations:* Committee ordered favorably reported the following business items:

S. 1524, to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, with an amendment the nature of a substitute;

S. 2727, to provide for continued application of arrangements under the Protocol on Inspections and Continuous Monitoring Activities Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms in the period following the Protocol's termination on December 5, 2009;

S. 1739, to promote freedom of the press around the world;

S. 1067, to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice;

S. Res. 341, supporting peace, security, and innocent civilians affected by conflict in Yemen;

S. Res. 345, deploring the rape and assault of women in Guinea and the killing of political protesters;

H. Con. Res. 36, calling on the President and the allies of the United States to raise in all appropriate bilateral and multilateral for the case of Robert Levinson at every opportunity, urging Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation;

Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date (Treaty Doc. 110-21);

Protocol Amending the Convention between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 21, 1994, as Amended by the Protocol signed on December 8, 2004, signed January 13, 2009, at Paris, together with a related Memorandum of Understanding, signed January 13, 2009 (Treaty Doc. 111-04); and

The nominations of Jose W. Fernandez, of New York, to be Assistant Secretary for Economic, Energy, and Business Affairs, William E. Kennard, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, John F. Tefft, of Virginia, to be Ambassador to Ukraine, Michael C. Polt, of Tennessee, to be Ambassador to the Republic of Estonia, Cynthia Stroum, of Washington, to be Ambassador to Luxembourg, David Huebner, of California, to be Ambassador to New Zealand, and to serve concurrently and without additional compensation as Ambassador to Samoa, Robert R. King, of Virginia, to be Special Envoy on North Korean Human Rights Issues, with the rank of Ambassador, Peter Alan Prahar, of Virginia, to be Ambassador to the Federated States of Micronesia, Frederick D. Barton, of Maine, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an Alternate Representative to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative on the Economic and Social Council of the United Nations, and Carmen Lomellin, of Virginia, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador, all of the Department of State, James LaGarde Hudson, of the District of Columbia, to be United States Director of the European Bank for Reconstruction and Development, Gustavo Arnavat, of New York, to be United States Executive Director of the Inter-American Development Bank, and Daniel W. Yohannes, of Colorado, to be Chief Executive Officer, Millennium Challenge Corporation; and

Routine lists in the Foreign Service.

#### INTERNATIONAL ECONOMICS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the United States and the G-20, focusing on remaking the international eco-

nomics architecture, after receiving testimony from Timothy F. Geithner, Secretary of the Treasury.

#### H1N1 FLU VACCINE

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine H1N1 flu, focusing on getting the vaccine to where it is most needed, after receiving testimony from Alex Garza, Assistant Secretary for Health Affairs and Chief Medical Officer, Department of Homeland Security; and Nicole Lurie, Assistant Secretary for Preparedness and Response, and Rear Admiral Anne Schuchat, Assistant Surgeon General, Director, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, both of the Department of Health and Human Services.

#### CYBERSECURITY

*Committee on the Judiciary:* Subcommittee on Terrorism and Homeland Security concluded a hearing to examine cybersecurity, focusing on preventing terrorist attacks and protecting privacy in cyberspace, after receiving testimony from James A. Baker, Associate Deputy Attorney General, and Steven R. Chabinsky, Deputy Assistant Director, Cyber Division, Federal Bureau of Investigation, both of the Department of Justice; Philip R. Reitinger, Deputy Under Secretary of Homeland Security for National Protection and Programs Directorate; Richard C. Schaeffer, Jr., Information Assurance Director, National Security Agency, Department of Defense; Gregory T. Nojeim, Center for Democracy & Technology, and Larry M. Wortzel, U.S.-China Economic and Security Review Commission, both of Washington, D.C.; and Larry Clinton, Internet Security Alliance, Arlington, Virginia.

#### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

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## House of Representatives

### *Chamber Action*

**Public Bills and Resolutions Introduced:** 16 public bills, H.R. 4083–4098 and 2 resolutions, H. Con. Res. 213; and H. Res. 910 were introduced.

Pages H13068–69

### Additional Cosponsors:

Page H13069

**Reports Filed:** Reports were filed today as follows:

H. Res. 908, providing for consideration of the bill (H.R. 2781) to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River

in Oregon, as components of the National Wild and Scenic Rivers System (H. Rept. 111–339) and

H. Res. 909, providing for consideration of the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (H. Rept. 111–340). **Page H13068**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Driehaus to act as Speaker pro tempore for today. **Page H13005**

**Recess:** The House recessed at 10:51 a.m. and reconvened at noon. **Page H13009**

**Journal:** The House agreed to the Speaker's approval of the Journal by a recorded vote of 243 yeas to 177 nays with 1 voting "present," Roll No. 894. **Pages H13009, 13034–35**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**Clean Hull Act of 2009:** H.R. 3618, amended, to provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001; **Pages H13013–18**

**Expressing support for designation of November 29, 2009, as "Drive Safer Sunday":** H. Res. 841, to express support for designation of November 29, 2009, as "Drive Safer Sunday," by a  $\frac{2}{3}$  yeas-and-nay vote of 413 yeas to 1 nay, Roll No. 893; **Pages H13018–20, H13033–34**

**Cruise Vessel Security and Safety Act of 2009:** H.R. 3360, amended, to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, by a  $\frac{2}{3}$  yeas-and-nay vote of 416 yeas to 4 nays, Roll No. 892; **Pages H13020–26, H13033**

**Expressing the gratitude of the House of Representatives for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009:** H. Res. 891, amended, to express the gratitude of the House of Representatives for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009, by a  $\frac{2}{3}$  yeas-and-nay vote of 419 yeas with none voting "nay," Roll No. 895; **Pages H13026–29, H13035**

**H. Dale Cook Federal Building and United States Courthouse Designation Act:** H.R. 3305, to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the "H. Dale Cook Federal Building and United States Courthouse"; and **Pages H13029–30**

**Recognizing and honoring the 40th anniversary of SEARCH, The National Consortium for Justice**

**Information and Statistics, headquartered in Sacramento, California:** H. Res. 851, to recognize and honor the 40th anniversary of SEARCH, The National Consortium for Justice Information and Statistics, headquartered in Sacramento, California. **Pages H13031–33**

**Suspension—Proceedings Postponed:** The House debated the following measure under suspension of the rules. Further proceedings were postponed:

**Reserve Officers Association Modernization Act of 2009:** S. 1599, to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws. **Pages H13030–31**

**Communication from the Clerk of the House:** Read a letter from the Clerk wherein she transmitted notification that Paul J. Solis, Nathaniel Wright, Kedric L. Payne, and Jon Steinman have signed an agreement to not be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Election Campaign Act of 1971 until at least 3 years after they are no longer a member of the board or staff of the Office of Congressional Ethics. Further, the Clerk notified the House that copies of the signed agreements shall be retained by the Office of the Clerk as part of the records of the House. **Page H13056**

**Quorum Calls—Votes:** Three yeas-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H13033, H13033–34, H13034–35, H13035. There were no quorum calls.

**Adjournment:** The House met at 10:30 a.m. and adjourned at 8:32 p.m.

## Committee Meetings

### FINANCIAL SECURITY IMPROVEMENT ACT

**Committee on Agriculture:** Held a hearing to review the Financial Stability Improvement Act discussion draft. Testimony was heard from Gary Gensler, Chairman, CFTC; Elisse B. Walter, Commissioner, SEC; and Leland A. Strom, Chairman and Chief Executive Officer, Farm Credit Administration.

### U.S. IRAQ-AFGHANISTAN STRATEGY

**Committee on Armed Services:** Subcommittee on Oversight and Investigations continued hearings on Afghanistan and Iraq: Perspectives on U.S. Strategy, Part III. Testimony was heard from GEN. Wesley Clark, USA (ret.), Former NATO Supreme Allied Commander, Europe; and public witnesses.

**PERFORMANCE BUDGETING**

*Committee on the Budget:* Held a hearing on Building an Executive-Legislative Partnership for Performance Budgeting. Testimony was heard from Jeffrey D. Zients, Deputy Director, Management and Chief Performance Officer, OMB.

**H1N1 SICK LEAVE POLICIES**

*Committee on Education and Labor:* Held a hearing on Protecting Employees, Employers and the Public: H1N1 and Sick Leave Policies. Testimony was heard from Anne Schuchat, M.D., Assistant Surgeon General, and Director, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, Department of Health and Human Services; and public witnesses.

**CHEMICAL SAFETY DETERMINATION**

*Committee on Energy and Commerce:* Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on Prioritizing Chemicals for Safety Determination. Testimony was heard from Stephen Owens, Assistant Administrator, Officer of Pollution, Pesticides, and Toxic Substances, EPA; Eric Sampson, Director, Division of Laboratory Sciences, National Center for Environmental Health, Centers for Disease Control and Prevention, Department of Health and Human Services; and public witnesses.

**UNIVERSAL SERVICE REFORM ACT**

*Committee on Energy and Commerce:* Subcommittee on Communications, Technology and the Internet held a hearing on a discussion draft of the Universal Service Reform Act of 2009. Testimony was heard from Ray Baum, Commissioner, Public Utility Commission, State of Oregon; and public witnesses.

**COMMITTEE PRINT—FINANCIAL STABILITY IMPROVEMENT ACT OF 2009**

*Committee on Financial Services:* Continued consideration of the Committee Print of the Financial Stability Improvement Act of 2009.

Will continue tomorrow.

**MISCELLANEOUS MEASURES**

*Committee on Homeland Security:* Ordered reported the following measures: H.R. 1517, as amended, To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service; H.R. 2611, as amended, To amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes; H.R. 3239, as amended, To require the Sec-

retary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purposes; H.R. 3837, as amended, Strengthening and Updating Resources and Equipment Act; H.R. 3963, Criminal Investigative Training Restoration Act; H.R. 3978, First Responder Anti-Terrorism Training Resources Act; H.R. 3980, Redundancy Elimination and Enhanced Performance for Preparedness Grants Act; and H. Res. 28, as amended, Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines.

**JUDGE PORTEOUS IMPEACHMENT**

*Committee on the Judiciary:* Task Force on Judicial Impeachment met to consider possible impeachment of U.S. District Judge G. Thomas Porteous, Jr. Testimony was heard from Alan Baron, Special Impeachment Counsel, Committee on the Judiciary; and Attorney Robert Creely.

Will continue tomorrow.

**FINANCIAL REFORM—BANKRUPTCY ANTITRUST LAW**

*Committee on the Judiciary:* Subcommittee on Courts and Competition Policy continued hearings on Too Big to Fail: The Role for Bankruptcy and Antitrust Law in Financial Regulation Reform, Part II. Testimony was heard from public witnesses.

**MISCELLANEOUS MEASURES**

*Committee on Natural Resources:* Subcommittee on National Parks, Forests, and Public Lands held a hearing on the following bills: H.R. 2889, Oregon Caves National Monument Boundary Adjustment Act of 2009; H.R. 3339, FLTFA Reauthorization Act of 2009; H.R. 3444, Pinnacles National Park Act; H.R. 3538, Idaho Wilderness Water Resources Protection Act; and H.R. 3726, Castle Nugent National Historic Site Establishment Act of 2009. Testimony was heard from Representatives Farr and Simpson; the following officials of the Department of the Interior: Bob Abbey, Director, Bureau of Land Management; and Steven E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service; Lenise Lago, Deputy Regional Forester, Pacific Northwest Region, Forest Service, USDA; Robin M. Nazzaro, Director, Natural Resources and Environment, GAO; and public witnesses.

**BANK OF AMERICA-MERRILL LYNCH  
MERGER**

*Committee on Oversight and Government Reform:* and the Subcommittee on Domestic Policy continued joint hearings entitled “Bank of America and Merrill Lynch: How did a Private Deal Turn Into a Federal Bailout? Part IV. “ Testimony was heard from public witnesses.

**FIRE GRANTS REAUTHORIZATION ACT OF  
2009**

*Committee on Rules:* Granted, by a non-record vote, a structured rule providing for the consideration of H.R. 3791, the “Fire Grants Reauthorization Act of 2009”. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science and Technology modified by the amendment printed in part A of the Rules Committee report shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 of rule XXI.

The rule makes in order only those amendments printed in part B of the report. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments made in order except those arising under clause 9 or 10 of rule XXI. The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or a designee. Finally, the rule provides that the Chair may not entertain a motion to strike out the enacting words of the bill. Testimony was heard from Representatives Gordon, Holden, and Smith of Nebraska.

**MOLALLA RIVER PROTECTIONS**

*Committee on Rules:* Granted, by a non-record vote, a closed rule providing for consideration of H.R. 2781, “To amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as

components of the National Wild and Scenic Rivers System, and for other purposes”. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Grijalva and Hastings of Washington.

**SECURITY SCIENCE—ADVANCED  
RADIATION MONITORS**

*Committee on Science and Technology:* Subcommittee on Investigations and Oversight continued hearings on The Science of Security Part II; Technical Problems Continue to Hinder Advanced Radiation Monitors. Testimony was heard from the following officials of the GAO: Gene Aloise, Director, Natural Resources and Environment; and Timothy M. Persons, Chief Scientist; the following officials of the Department of Homeland Security: Todd Owen, Executive Director, Cargo and Conveyance Security, Office of Field Operations, U.S. Customs and Border Protection; and William Hagan, Acting Deputy Director, Domestic Nuclear Detection Office.

**U.S. TRADE PREFERENCE PROGRAMS**

*Committee on Ways and Means:* Subcommittee on Trade held a hearing on the Operation, Impact and Future of the U.S. Preference Programs. Testimony was heard from Representatives McDermott, Linda T. Sánchez of California, and Engel; Tim Reif, General Counsel, Office of the U.S. Trade Representative; Sandra Polaski, Deputy Under Secretary, Bureau of International Labor Affairs, Department of Labor; Mary Ott, Deputy Assistant Administrator, Bureau of Economic Growth, U.S. Agency for International Development, Department of State; Burnham Philbrook, Deputy Under Secretary, Farm and Foreign Agricultural Service, USDA; Loren Yager, Director, International Affairs and Trade, GAO; and public witnesses.

**BRIEFING—SIGNIFICANT ACTIVITIES**

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on Significant Activities. The Committee was briefed by departmental witnesses.

## Joint Meetings

No joint committee meetings were held.

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### COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 18, 2009

*(Committee meetings are open unless otherwise indicated)*

#### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to examine reforming the United States financial market regulation; to be immediately followed by a hearing to examine the nomination of Jill Long Thompson, of Indiana, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, 9:30 a.m., SD-106.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine the nominations of Mark R. Rosekind, of California, to be a Member of the National Transportation Safety Board, Scott Boyer Quehl, of Pennsylvania, to be Assistant Secretary, and to be Chief Financial Officer, and Suresh Kumar, of New Jersey, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, both of the Department of Commerce, Philip E. Coyle, III, of California, to be an Associate Director of the Office of Science and Technology Policy, and Anthony R. Coscia, of New Jersey, and Albert DiClemente, of Delaware, both to be a Director of the Amtrak Board of Directors, 2:30 p.m., SR-253.

*Committee on Energy and Natural Resources:* Subcommittee on Public Lands and Forests, to hold hearings to examine managing Federal forests in response to climate change, focusing on natural resource adaptation and carbon sequestration, 2:30 p.m., SD-366.

*Committee on Environment and Public Works:* business meeting to consider S. 2778, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, 9:30 a.m., SD-406.

*Committee on Foreign Relations:* to hold hearings to examine the nominations of Mary Burce Warlick, of Virginia, to be Ambassador to the Republic of Serbia, James B. Warlick, Jr., of Virginia, to be Ambassador to the Republic of Bulgaria, and Eleni Tsakopoulos Kounalakis, of California, to be Ambassador to the Republic of Hungary, all of the Department of State, 10:15 a.m., SD-419.

*Committee on Health, Education, Labor, and Pensions:* business meeting to consider S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply, and the nominations of David Morris Michaels, of Maryland, to be Assistant Secretary of Labor, and Pamela S. Hyde, of New Mexico, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, any pending nominations, and subcommittee assignments, 10 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* business meeting to consider the nomination of Daniel I.

Gordon, of the District of Columbia, to be Administrator for Federal Procurement Policy, Time to be announced, S-216, Capitol.

Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine accountability for foreign contractors, focusing on the Lieutenant Colonel Dominic "Rocky" Baragona Justice for American Heroes Harmed by Contractors Act, 2:30 p.m., SD-342.

*Committee on the Judiciary:* to hold an oversight hearing to examine the Department of Justice, 9:30 a.m., SDG-50.

Full Committee, to hold hearings to examine the nominations of Denny Chin, of New York, to be United States Circuit Judge for the Second Circuit, Rosanna Malouf Peterson, to be United States District Judge for the Eastern District of Washington, William M. Conley, to be United States District Judge for the Western District of Wisconsin, and Susan B. Carbon, of New Hampshire, to be Director of the Violence Against Women Office, and John H. Laub, of the District of Columbia, to be Director of the National Institute of Justice, both of the Department of Justice, 2:30 p.m., SD-226.

*Committee on Veterans' Affairs:* to hold hearings to examine easing the burdens through employment, 9:30 a.m., SR-418.

#### House

*Committee on Armed Services,* hearing on Resourcing the National Defense Strategy: Implications of Long Term Budget Trends, 10 a.m., 210 HVC.

*Committee on Energy and Commerce,* Subcommittee on Health and the Subcommittee on Oversight and Investigations, joint hearing on H1N1 Preparedness: An Overview of Vaccine Production and Distribution, 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* to continue consideration of the Committee Print of the Financial Stability Improvement Act of 2009, 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on Terrorism, Nonproliferation and Trade, hearing on Flag on the Bag?: Foreign Assistance and the Struggle Against Terrorism, 2 p.m., 2172 Rayburn.

*Committee on Homeland Security,* hearing entitled "Federal Protective Service: Will Continuing Challenges Weaken Transition and Impede Progress?" 10 a.m., 311 Cannon.

Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled "Is the Flying Public Protected? An Assessment of Security at Foreign Repair Stations," 2 p.m., 311 Cannon.

*Committee on the Judiciary,* Task Force on Judicial Impeachment, to continue consideration of possible impeachment of U.S. District Judge G. Thomas Porteous, Jr., 10 a.m., 2141 Rayburn.

*Committee on Natural Resources,* to mark up the following bills: H.R. 1672, Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009; H.R. 2062, Migratory Bird Treaty Act Penalty and Enforcement Act of 2009; H.R. 3644, Bay-Watershed Education and Training (B-WET) Regional Program and National Environmental Literacy Grant Program Act; H.R. 3940,

To authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam; H.R. 2288, Endangered Fish Recovery Programs Improvement Act of 2009; H.R. 3603, To rename the Ocmulgee National Monument; H.R. 3759, BLM Contract Extension Act; H.R. 3804, National Park Service Authorities and Corrections Act of 2009; and H.R. 3388, Petersburg National Battlefield Boundary Modification Act, 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform*, to mark up the following measures: H.R. 2517, Domestic Partnership Benefits and Obligations Act of 2009; H.R. 3892, To designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the “E.C. Wilkins Post Office;” H.R. 3951, To designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the “Roy Rondeno, Sr., Post Office Building;” and H.R. 4017, To designate the facility of the United States Postal Service located at 43 Maple Ave-

nue in Shrewsbury, Massachusetts, as the “Ann Marie Blute Post Office;” 2 p.m., 2154 Rayburn.

*Subcommittee on Federal Workforce, Postal Service and the District of Columbia*, hearing entitled “Greater Autonomy for the National’s Capital,” with discussion of the following bills: H.R. 960, District of Columbia Legislative Autonomy Act of 2009; and H.R. 1045, District of Columbia Budget Autonomy Act of 2009, 10 a.m., 2154 Rayburn.

*Committee on Science and Technology*, to mark up H.R. 4061, Cybersecurity Enhancement Act of 2009, 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Water Resources and Environment, hearing on Proposals for a Water Resources Development Act of 2010, 2 p.m., 2167 Rayburn.

*Committee on Veterans’ Affairs*, Subcommittee on Disability Assistance and Memorial Affairs, to mark up a draft bill, and to consider pending business, 10 a.m., 334 Cannon.

*Permanent Select Committee on Intelligence*, executive, briefing on Guantanamo Update, 4 p.m., 304 HVC.

## Next Meeting of the SENATE

9:30 a.m., Wednesday, November 18

## Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, November 18

## Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond two hours), Senate will continue consideration of the nomination of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit, and vote on confirmation thereon.

(At approximately 9:30 a.m., Senator Rockefeller will be recognized to speak.)

## House Chamber

**Program for Wednesday:** Consideration of H.R. 2781—To amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

## HOUSE

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Woolsey, Lynn C., Calif., E2783



# Congressional Record

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